

Union Calendar No. 406

107TH CONGRESS
2^D SESSION

H. R. 5410

[Report No. 107-663]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2002

Mr. KOLBE, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2003, and for other pur-
6 poses, namely:

1 TITLE I—EXPORT AND INVESTMENT
2 ASSISTANCE

3 EXPORT-IMPORT BANK OF THE UNITED STATES

4 The Export-Import Bank of the United States is au-
5 thorized to make such expenditures within the limits of
6 funds and borrowing authority available to such corpora-
7 tion, and in accordance with law, and to make such con-
8 tracts and commitments without regard to fiscal year limi-
9 tations, as provided by section 104 of the Government
10 Corporation Control Act, as may be necessary in carrying
11 out the program for the current fiscal year for such cor-
12 poration: *Provided*, That none of the funds available dur-
13 ing the current fiscal year may be used to make expendi-
14 tures, contracts, or commitments for the export of nuclear
15 equipment, fuel, or technology to any country other than
16 a nuclear-weapon state as defined in Article IX of the
17 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
18 ble to receive economic or military assistance under this
19 Act, that has detonated a nuclear explosive after the date
20 of the enactment of this Act.

21 SUBSIDY APPROPRIATION

22 For the cost of direct loans, loan guarantees, insur-
23 ance, and tied-aid grants as authorized by section 10 of
24 the Export-Import Bank Act of 1945, as amended,
25 \$541,400,000, to remain available until September 30,
26 2006: *Provided*, That such costs, including the cost of

1 modifying such loans, shall be as defined in section 502
2 of the Congressional Budget Act of 1974: *Provided fur-*
3 *ther*, That such sums shall remain available until Sep-
4 tember 30, 2021 for the disbursement of direct loans, loan
5 guarantees, insurance and tied-aid grants obligated in fis-
6 cal years 2003, 2004, 2005, and 2006: *Provided further*,
7 That none of the funds appropriated by this Act or any
8 prior Act appropriating funds for foreign operations, ex-
9 port financing, and related programs for tied-aid credits
10 or grants may be used for any other purpose except
11 through the regular notification procedures of the Com-
12 mittees on Appropriations: *Provided further*, That funds
13 appropriated by this paragraph are made available not-
14 withstanding section 2(b)(2) of the Export-Import Bank
15 Act of 1945, in connection with the purchase or lease of
16 any product by any East European country, any Baltic
17 State or any agency or national thereof: *Provided further*,
18 That notwithstanding section 1(c) of Public Law 103–
19 428, as amended, sections 1 (a) and (b) of Public Law
20 103–428 shall remain in effect until September 30, 2003.

21 ADMINISTRATIVE EXPENSES

22 For administrative expenses to carry out the direct
23 and guaranteed loan and insurance programs, including
24 hire of passenger motor vehicles and services as authorized
25 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
26 reception and representation expenses for members of the

1 Board of Directors, \$68,300,000: *Provided*, That the Ex-
2 port-Import Bank may accept, and use, payment or serv-
3 ices provided by transaction participants for legal, finan-
4 cial, or technical services in connection with any trans-
5 action for which an application for a loan, guarantee or
6 insurance commitment has been made: *Provided further*,
7 That, notwithstanding subsection (b) of section 117 of the
8 Export Enhancement Act of 1992, subsection (a) thereof
9 shall remain in effect until October 1, 2003.

10 OVERSEAS PRIVATE INVESTMENT CORPORATION

11 NONCREDIT ACCOUNT

12 The Overseas Private Investment Corporation is au-
13 thorized to make, without regard to fiscal year limitations,
14 as provided by 31 U.S.C. 9104, such expenditures and
15 commitments within the limits of funds available to it and
16 in accordance with law as may be necessary: *Provided*,
17 That the amount available for administrative expenses to
18 carry out the credit and insurance programs (including an
19 amount for official reception and representation expenses
20 which shall not exceed \$35,000) shall not exceed
21 \$39,885,000: *Provided further*, That project-specific trans-
22 action costs, including direct and indirect costs incurred
23 in claims settlements, and other direct costs associated
24 with services provided to specific investors or potential in-
25 vestors pursuant to section 234 of the Foreign Assistance

1 Act of 1961, shall not be considered administrative ex-
2 penses for the purposes of this heading.

3 PROGRAM ACCOUNT

4 For the cost of direct and guaranteed loans,
5 \$24,000,000, as authorized by section 234 of the Foreign
6 Assistance Act of 1961, to be derived by transfer from
7 the Overseas Private Investment Corporation Noncredit
8 Account: *Provided*, That such costs, including the cost of
9 modifying such loans, shall be as defined in section 502
10 of the Congressional Budget Act of 1974: *Provided fur-*
11 *ther*, That such sums shall be available for direct loan obli-
12 gations and loan guaranty commitments incurred or made
13 during fiscal years 2003 and 2004: *Provided further*, That
14 such sums shall remain available through fiscal year 2011
15 for disbursement of direct and guaranteed loans obligated
16 in fiscal year 2003, and through fiscal year 2012 for the
17 disbursement of direct and guaranteed loans obligated in
18 fiscal year 2004. In addition, such sums as may be nec-
19 essary for administrative expenses to carry out the credit
20 program may be derived from amounts available for ad-
21 ministrative expenses to carry out the credit and insurance
22 programs in the Overseas Private Investment Corporation
23 Noncredit Account and merged with said account.

1 FUNDS APPROPRIATED TO THE PRESIDENT

2 TRADE AND DEVELOPMENT AGENCY

3 For necessary expenses to carry out the provisions
4 of section 661 of the Foreign Assistance Act of 1961,
5 \$44,512,000, to remain available until September 30,
6 2004.

7 In addition, for an additional amount for “Trade and
8 Development Agency” for trade capacity building assist-
9 ance, \$5,000,000, to remain available until September 30,
10 2003: *Provided*, That any funds made available by this
11 paragraph shall be made available subject to the regular
12 notification procedures of the Committees on Appropria-
13 tions.

14 TITLE II—BILATERAL ECONOMIC ASSISTANCE

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 For expenses necessary to enable the President to
17 carry out the provisions of the Foreign Assistance Act of
18 1961, and for other purposes, to remain available until
19 September 30, 2003, unless otherwise specified herein, as
20 follows:

21 UNITED STATES AGENCY FOR INTERNATIONAL

22 DEVELOPMENT

23 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to carry out the provisions
26 of chapters 1 and 10 of part I of the Foreign Assistance

1 Act of 1961 and title I of Public Law 106–570, for child
2 survival, reproductive health/family planning, assistance to
3 combat tropical and other infectious diseases, and related
4 activities, in addition to funds otherwise available for such
5 purposes, \$1,710,000,000, to remain available until Sep-
6 tember 30, 2004: *Provided*, That this amount shall be
7 made available for such activities as: (1) immunization
8 programs; (2) oral rehydration programs; (3) health, nu-
9 trition, water and sanitation programs, and related edu-
10 cation programs, which directly address the needs of
11 mothers and children; (4) assistance for displaced and or-
12 phaned children; (5) programs for the prevention, treat-
13 ment, and control of, and research on, tuberculosis, HIV/
14 AIDS, polio, malaria and other infectious diseases; and
15 (6) family planning/reproductive health: *Provided further*,
16 That none of the funds appropriated under this heading
17 may be made available for nonproject assistance, except
18 that funds may be made available for such assistance for
19 ongoing health programs: *Provided further*, That of the
20 funds appropriated under this heading, not to exceed
21 \$175,000, in addition to funds otherwise available for such
22 purposes, may be used to monitor and provide oversight
23 of child survival, maternal and family planning/reproduc-
24 tive health, and infectious disease programs: *Provided fur-*
25 *ther*, That the following amounts should be allocated as

1 follows: \$340,000,000 for child survival and maternal
2 health; \$30,000,000 for vulnerable children; \$746,500,000
3 for HIV/AIDS; \$105,000,000 for other infectious dis-
4 eases; \$120,000,000 for UNICEF; and \$368,500,000 for
5 family planning/reproductive health: *Provided further,*
6 That of the funds appropriated under this heading, up to
7 \$100,000,000 may be made available for International
8 Mother and Child HIV Prevention activities, up to
9 \$60,000,000 may be made available for a United States
10 contribution to The Vaccine Fund and up to \$10,000,000
11 may be made available for the International AIDS Vaccine
12 Initiative: *Provided further,* That of the funds appro-
13 priated under this heading, not less than \$250,000,000
14 should be made available for a United States contribution
15 to the Global Fund to Fight AIDS, Tuberculosis and Ma-
16 laria, and shall be expended at the minimum rate nec-
17 essary to make timely payments for projects and activities:
18 *Provided further,* That the cumulative amount of United
19 States contributions to the Global Fund may not exceed
20 the total resources provided by other donors and available
21 for use by the Global Fund: *Provided further,* That of the
22 funds appropriated under this heading, up to \$6,000,000
23 may be transferred to and merged with funds appropriated
24 by this Act under the heading “Operating Expenses of the
25 United States Agency for International Development” for

1 costs directly related to international health: *Provided fur-*
2 *ther*, That, notwithstanding any other provision of this
3 Act, funds appropriated under this heading that are avail-
4 able for child survival and health programs shall be appor-
5 tioned to the United States Agency for International De-
6 velopment, and the authority of sections 632(a) or 632(b)
7 of the Foreign Assistance Act of 1961, or any comparable
8 provision of law, may not be used to transfer or allocate
9 any part of such funds to the Department of Health and
10 Human Services including any office of that agency, ex-
11 cept that the authority of those sections may be used to
12 transfer or allocate up to \$25,000,000 of such funds to
13 the Centers for Disease Control and Prevention: *Provided*
14 *further*, That none of the funds made available in this Act
15 nor any unobligated balances from prior appropriations
16 may be made available to any organization or program
17 which, as determined by the President of the United
18 States, supports or participates in the management of a
19 program of coercive abortion or involuntary sterilization:
20 *Provided further*, That none of the funds made available
21 under this Act may be used to pay for the performance
22 of abortion as a method of family planning or to motivate
23 or coerce any person to practice abortions: *Provided fur-*
24 *ther*, That none of the funds made available under this
25 Act may be used to lobby for or against abortion: *Provided*

1 *further*, That in order to reduce reliance on abortion in
2 developing nations, funds shall be available only to vol-
3 untary family planning projects which offer, either directly
4 or through referral to, or information about access to, a
5 broad range of family planning methods and services, and
6 that any such voluntary family planning project shall meet
7 the following requirements: (1) service providers or refer-
8 ral agents in the project shall not implement or be subject
9 to quotas, or other numerical targets, of total number of
10 births, number of family planning acceptors, or acceptors
11 of a particular method of family planning (this provision
12 shall not be construed to include the use of quantitative
13 estimates or indicators for budgeting and planning pur-
14 poses); (2) the project shall not include payment of incen-
15 tives, bribes, gratuities, or financial reward to: (A) an indi-
16 vidual in exchange for becoming a family planning accep-
17 tor; or (B) program personnel for achieving a numerical
18 target or quota of total number of births, number of fam-
19 ily planning acceptors, or acceptors of a particular method
20 of family planning; (3) the project shall not deny any right
21 or benefit, including the right of access to participate in
22 any program of general welfare or the right of access to
23 health care, as a consequence of any individual's decision
24 not to accept family planning services; (4) the project shall
25 provide family planning acceptors comprehensible infor-

1 mation on the health benefits and risks of the method cho-
2 sen, including those conditions that might render the use
3 of the method inadvisable and those adverse side effects
4 known to be consequent to the use of the method; and
5 (5) the project shall ensure that experimental contracep-
6 tive drugs and devices and medical procedures are pro-
7 vided only in the context of a scientific study in which
8 participants are advised of potential risks and benefits;
9 and, not less than 60 days after the date on which the
10 Administrator of the United States Agency for Inter-
11 national Development determines that there has been a
12 violation of the requirements contained in paragraph (1),
13 (2), (3), or (5) of this proviso, or a pattern or practice
14 of violations of the requirements contained in paragraph
15 (4) of this proviso, the Administrator shall submit to the
16 Committees on Appropriations of the Senate and the
17 House of Representatives, a report containing a descrip-
18 tion of such violation and the corrective action taken by
19 the Agency: *Provided further*, That in awarding grants for
20 natural family planning under section 104 of the Foreign
21 Assistance Act of 1961 no applicant shall be discriminated
22 against because of such applicant's religious or conscien-
23 tious commitment to offer only natural family planning;
24 and, additionally, all such applicants shall comply with the
25 requirements of the previous proviso: *Provided further*,

1 That for purposes of this or any other Act authorizing
 2 or appropriating funds for foreign operations, export fi-
 3 nancing, and related programs, the term “motivate”, as
 4 it relates to family planning assistance, shall not be con-
 5 strued to prohibit the provision, consistent with local law,
 6 of information or counseling about all pregnancy options:
 7 *Provided further*, That nothing in this paragraph shall be
 8 construed to alter any existing statutory prohibitions
 9 against abortion under section 104 of the Foreign Assist-
 10 ance Act of 1961.

11 DEVELOPMENT ASSISTANCE

12 For necessary expenses to carry out the provisions
 13 of sections 103, 105, 106, and 131, and chapter 10 of
 14 part I of the Foreign Assistance Act of 1961,
 15 \$1,398,000,000, to remain available until September 30,
 16 2004: *Provided*, That none of the funds appropriated
 17 under title II of this Act that are managed by or allocated
 18 to the United States Agency for International Develop-
 19 ment’s Global Development Secretariat, may be made
 20 available except through the regular notification proce-
 21 dures of the Committees on Appropriations: *Provided fur-*
 22 *ther*, That \$162,500,000 should be allocated for trade ca-
 23 pacity building: *Provided further*, That \$218,000,000
 24 should be allocated for basic education, of which
 25 \$20,000,000 is available only for programs to increase the
 26 professional competence of national and regional edu-

1 cation administrators: *Provided further*, That none of the
2 funds appropriated under this heading may be made avail-
3 able for any activity which is in contravention to the Con-
4 vention on International Trade in Endangered Species of
5 Flora and Fauna: *Provided further*, That of the funds ap-
6 propriated under this heading that are made available for
7 assistance programs for displaced and orphaned children
8 and victims of war, not to exceed \$32,500, in addition to
9 funds otherwise available for such purposes, may be used
10 to monitor and provide oversight of such programs.

11 INTERNATIONAL DISASTER ASSISTANCE

12 For necessary expenses for international disaster re-
13 lief, rehabilitation, and reconstruction assistance pursuant
14 to section 491 of the Foreign Assistance Act of 1961, as
15 amended, \$200,500,000, to remain available until ex-
16 pended.

17 In addition, for assistance for the West Bank and
18 Gaza, \$50,000,000, to remain available until expended:
19 *Provided*, That none of the funds appropriated in this
20 paragraph may be obligated or expended with respect to
21 providing funds to the Palestinian Authority.

22 In addition, for assistance for Afghanistan,
23 \$65,000,000, to remain available until expended: *Pro-*
24 *vided*, That these funds shall be used for humanitarian
25 and reconstruction assistance for the Afghan people in-
26 cluding health and education programs, housing, to im-

1 prove the status of women, infrastructure, and assistance
2 for victims of war and displaced persons.

3 TRANSITION INITIATIVES

4 For necessary expenses for international disaster re-
5 habilitation and reconstruction assistance pursuant to sec-
6 tion 491 of the Foreign Assistance Act of 1961,
7 \$40,000,000, to remain available until expended, to sup-
8 port transition to democracy and to long-term develop-
9 ment of countries in crisis: *Provided*, That such support
10 may include assistance to develop, strengthen, or preserve
11 democratic institutions and processes, revitalize basic in-
12 frastructure, and foster the peaceful resolution of conflict:
13 *Provided further*, That the United States Agency for Inter-
14 national Development shall submit a report to the Com-
15 mittees on Appropriations at least 5 days prior to begin-
16 ning a new program of assistance.

17 DEVELOPMENT CREDIT AUTHORITY

18 (INCLUDING TRANSFER OF FUNDS)

19 For the cost of loan guarantees, as authorized by sec-
20 tions 108 and 635 of the Foreign Assistance Act of 1961,
21 funds may be derived by transfer from funds appropriated
22 by this Act to carry out part I of the Foreign Assistance
23 Act of 1961, and under the heading “Assistance for East-
24 ern Europe and the Baltic States”: *Provided further*, That
25 such funds, when added to the funds transferred pursuant
26 to the authority contained under this heading in Public

1 Law 107–115, shall not exceed \$24,500,000, which shall
2 be made available only for micro and small enterprise pro-
3 grams and other programs which further the purposes of
4 part I of the Act: *Provided further*, That such costs shall
5 be as defined in section 502 of the Congressional Budget
6 Act of 1974: *Provided further*, That the provisions of sec-
7 tion 107A(d) (relating to general provisions applicable to
8 the Development Credit Authority) of the Foreign Assist-
9 ance Act of 1961, as contained in section 306 of H.R.
10 1486 as reported by the House Committee on Inter-
11 national Relations on May 9, 1997, shall be applicable to
12 loan guarantees provided under this heading. In addition,
13 for administrative expenses to carry out credit programs
14 administered by the United States Agency for Inter-
15 national Development, \$7,591,000, all of which may be
16 transferred to and merged with the appropriation for Op-
17 erating Expenses of the Agency for International Develop-
18 ment: *Provided further*, That funds appropriated under
19 this heading shall remain available until September 30,
20 2007.

21 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
22 DISABILITY FUND

23 For payment to the “Foreign Service Retirement and
24 Disability Fund”, as authorized by the Foreign Service
25 Act of 1980, \$45,200,000.

1 OPERATING EXPENSES OF THE UNITED STATES AGENCY
2 FOR INTERNATIONAL DEVELOPMENT

3 For necessary expenses to carry out the provisions
4 of section 667, \$572,200,000: *Provided*, That none of the
5 funds appropriated under this heading and under the
6 heading “Capital Investment Fund” may be made avail-
7 able to finance the construction (including architect and
8 engineering services), purchase, or long term lease of of-
9 fices for use by the United States Agency for International
10 Development, unless the Administrator has identified such
11 proposed construction (including architect and engineering
12 services), purchase, or long term lease of offices in a re-
13 port submitted to the Committees on Appropriations at
14 least 15 days prior to the obligation of these funds for
15 such purposes: *Provided further*, That the previous proviso
16 shall not apply where the total cost of construction (in-
17 cluding architect and engineering services), purchase, or
18 long term lease of offices does not exceed \$1,000,000.

19 CAPITAL INVESTMENT FUND

20 For necessary expenses for overseas construction and
21 related costs, and for the procurement and enhancement
22 of information technology and related capital investments,
23 pursuant to section 667, \$43,000,000, to remain available
24 until expended: *Provided*, That this amount is in addition
25 to funds otherwise available for such purposes: *Provided*
26 *further*, That the Administrator of the United States

1 Agency for International Development shall assess fair
2 and reasonable rental payments for the use of space by
3 employees of other United States Government agencies in
4 buildings constructed using funds appropriated under this
5 heading, and such rental payments shall be deposited into
6 this account as an offsetting collection: *Provided further*,
7 That the rental payments collected pursuant to the pre-
8 vious proviso and deposited as an offsetting collection shall
9 be available for obligation only pursuant to the regular
10 notification procedures of the Committees on Appropria-
11 tions: *Provided further*, That the assignment of United
12 States Government employees or contractors to space in
13 buildings constructed using funds appropriated under this
14 heading shall be subject to the concurrence of the Admin-
15 istrator of the United States Agency for International De-
16 velopment: *Provided further*, That funds appropriated
17 under this heading shall be available for obligation only
18 pursuant to the regular notification procedures of the
19 Committees on Appropriations.

20 OPERATING EXPENSES OF THE UNITED STATES AGENCY
21 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
22 SPECTOR GENERAL

23 For necessary expenses to carry out the provisions
24 of section 667, \$33,700,000, to remain available until Sep-
25 tember 30, 2004, which sum shall be available for the Of-

1 fice of the Inspector General of the United States Agency
2 for International Development.

3 OTHER BILATERAL ECONOMIC ASSISTANCE

4 ECONOMIC SUPPORT FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses to carry out the provisions
7 of chapter 4 of part II, \$2,445,000,000, to remain avail-
8 able until September 30, 2004: *Provided*, That of the
9 funds appropriated under this heading, not less than
10 \$600,000,000 shall be available only for Israel, which sum
11 shall be available on a grant basis as a cash transfer and
12 shall be disbursed within 30 days of the enactment of this
13 Act or by October 31, 2002, whichever is later: *Provided*
14 *further*, That, in addition to the funds made available
15 under the preceding proviso, of the funds appropriated
16 under this heading \$200,000,000 shall be made available
17 for assistance for Israel, all or a portion of which may
18 be transferred to, and merged with, funds appropriated
19 by this Act under the heading “Nonproliferation, Anti-
20 Terrorism, Demining and Related Programs” for defen-
21 sive, non-lethal anti-terrorism assistance in accordance
22 with the provisions of chapter 8 of part II of the Foreign
23 Assistance Act of 1961: *Provided further*, That not less
24 than \$615,000,000 shall be available only for Egypt,
25 which sum shall be provided on a grant basis, and of which
26 sum cash transfer assistance shall be provided with the

1 understanding that Egypt will undertake significant eco-
2 nomic reforms which are additional to those which were
3 undertaken in previous fiscal years: *Provided further*, That
4 in exercising the authority to provide cash transfer assist-
5 ance for Israel, the President shall ensure that the level
6 of such assistance does not cause an adverse impact on
7 the total level of nonmilitary exports from the United
8 States to such country and that Israel enters into a side
9 letter agreement in an amount proportional to the fiscal
10 year 1999 agreement: *Provided further*, That not less than
11 \$45,000,000 of the funds appropriated under this heading
12 should be made available for assistance for Afghanistan,
13 which shall be used for reconstruction assistance for the
14 Afghan people including education programs, housing, to
15 improve the status of women, and infrastructure, includ-
16 ing roads and bridges: *Provided further*, That not less than
17 \$35,000,000 of the funds appropriated under this heading
18 should be made available for Lebanon to be used, among
19 other programs, for scholarships and direct support of the
20 American educational institutions in Lebanon: *Provided*
21 *further*, That not less than \$15,000,000 of the funds ap-
22 propriated under this heading should be made available
23 for Cyprus to be used only for scholarships, administrative
24 support of the scholarship program, bicommunal projects,
25 and measures aimed at reunification of the island and de-

1 signed to reduce tensions and promote peace and coopera-
2 tion between the two communities on Cyprus: *Provided*
3 *further*, That funds appropriated under this heading may
4 be used, notwithstanding any other provision of law, to
5 provide assistance to the National Democratic Alliance of
6 Sudan to strengthen its ability to protect civilians from
7 attacks, slave raids, and aerial bombardment by the Suda-
8 nese Government forces and its militia allies, and the pro-
9 vision of such funds shall be subject to the regular notifi-
10 cation procedures of the Committees on Appropriations:
11 *Provided further*, That in the previous proviso, the term
12 “assistance” includes non-lethal, non-food aid such as
13 blankets, medicine, fuel, mobile clinics, water drilling
14 equipment, communications equipment to notify civilians
15 of aerial bombardment, non-military vehicles, tents, and
16 shoes: *Provided further*, That with respect to funds appro-
17 priated under this heading in this Act or prior Acts mak-
18 ing appropriations for foreign operations, exporting fi-
19 nancing, and related programs, the responsibility for pol-
20 icy decisions and justifications for the use of such funds,
21 including whether there will be a program for a country
22 that uses those funds and the amount of each such pro-
23 gram, shall be the responsibility of the Secretary of State
24 and the Deputy Secretary of State and this responsibility
25 shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2004.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$520,000,000, to remain available until September 30, 2004, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” should not exceed 15 percent of the total resources pledged by all donors for cal-

1 endar year 2003 for assistance for Kosovo as of March
2 31, 2003: *Provided further*, That none of the funds made
3 available under this Act for assistance for Kosovo shall
4 be made available for large scale physical infrastructure
5 reconstruction: *Provided further*, That not less than
6 \$5,000,000 should be made available for assistance for the
7 Baltic States.

8 (b) Funds appropriated under this heading or in prior
9 appropriations Acts that are or have been made available
10 for an Enterprise Fund may be deposited by such Fund
11 in interest-bearing accounts prior to the Fund's disburse-
12 ment of such funds for program purposes. The Fund may
13 retain for such program purposes any interest earned on
14 such deposits without returning such interest to the Treas-
15 ury of the United States and without further appropria-
16 tion by the Congress. Funds made available for Enterprise
17 Funds shall be expended at the minimum rate necessary
18 to make timely payment for projects and activities.

19 (c) Funds appropriated under this heading shall be
20 considered to be economic assistance under the Foreign
21 Assistance Act of 1961 for purposes of making available
22 the administrative authorities contained in that Act for
23 the use of economic assistance.

24 (d) With regard to funds appropriated under this
25 heading for the economic revitalization program in Bosnia

1 and Herzegovina, and local currencies generated by such
2 funds (including the conversion of funds appropriated
3 under this heading into currency used by Bosnia and
4 Herzegovina as local currency and local currency returned
5 or repaid under such program) the Administrator of the
6 United States Agency for International Development shall
7 provide written approval for grants and loans prior to the
8 obligation and expenditure of funds for such purposes, and
9 prior to the use of funds that have been returned or repaid
10 to any lending facility or grantee.

11 (e) The provisions of section 529 of this Act shall
12 apply to funds made available under subsection (d) and
13 to funds appropriated under this heading: *Provided*, That
14 notwithstanding any provision of this or any other Act,
15 including provisions in this subsection regarding the appli-
16 cation of section 529 of this Act, local currencies gen-
17 erated by, or converted from, funds appropriated by this
18 Act and by previous appropriations Acts and made avail-
19 able for the economic revitalization program in Bosnia
20 may be used in Eastern Europe and the Baltic States to
21 carry out the provisions of the Foreign Assistance Act of
22 1961 and the Support for East European Democracy
23 (SEED) Act of 1989.

24 (f) The President is authorized to withhold funds ap-
25 propriated under this heading made available for economic

1 revitalization programs in Bosnia and Herzegovina, if he
2 determines and certifies to the Committees on Appropria-
3 tions that the Federation of Bosnia and Herzegovina has
4 not complied with article III of annex 1–A of the General
5 Framework Agreement for Peace in Bosnia and
6 Herzegovina concerning the withdrawal of foreign forces,
7 and that intelligence cooperation on training, investiga-
8 tions, and related activities between Iranian officials and
9 Bosnian officials has not been terminated.

10 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
11 FORMER SOVIET UNION

12 (a) For necessary expenses to carry out the provisions
13 of chapters 11 and 12 of part I of the Foreign Assistance
14 Act of 1961 and the FREEDOM Support Act, for assist-
15 ance for the Independent States of the former Soviet
16 Union and for related programs, \$755,000,000, to remain
17 available until September 30, 2004: *Provided*, That the
18 provisions of such chapters shall apply to funds appro-
19 priated by this paragraph: *Provided further*, That of the
20 funds made available for the Southern Caucasus region,
21 notwithstanding any other provision of law, funds may be
22 used for confidence-building measures and other activities
23 in furtherance of the peaceful resolution of the regional
24 conflicts, especially those in the vicinity of Abkhazia and
25 Nagorno-Karabagh: *Provided further*, That of the funds
26 appropriated under this heading, not less than \$1,500,000

1 should be available only to meet the health and other as-
2 sistance needs of victims of trafficking in persons.

3 (b) Of the funds appropriated under this title,
4 \$82,500,000 should be made available for assistance for
5 Georgia.

6 (c) Of the funds appropriated under this title, not
7 less than \$83,433,000 should be made available for assist-
8 ance for Armenia.

9 (d) Section 907 of the FREEDOM Support Act shall
10 not apply to—

11 (1) activities to support democracy or assist-
12 ance under title V of the FREEDOM Support Act
13 and section 1424 of Public Law 104–201 for non-
14 proliferation assistance;

15 (2) any assistance provided by the Trade and
16 Development Agency under section 661 of the For-
17 eign Assistance Act of 1961 (22 U.S.C. 2421);

18 (3) any activity carried out by a member of the
19 United States and Foreign Commercial Service while
20 acting within his or her official capacity;

21 (4) any insurance, reinsurance, guarantee, or
22 other assistance provided by the Overseas Private
23 Investment Corporation under title IV of chapter 2
24 of part I of the Foreign Assistance Act of 1961 (22
25 U.S.C. 2191 et seq.);

1 (5) any financing provided under the Export-
2 Import Bank Act of 1945; or

3 (6) humanitarian assistance.

4 (e)(1) Of the funds appropriated under this heading
5 that are allocated for assistance for the Government of
6 the Russian Federation, 60 percent shall be withheld from
7 obligation until the President determines and certifies in
8 writing to the Committees on Appropriations that the Gov-
9 ernment of the Russian Federation:

10 (A) has terminated implementation of arrange-
11 ments to provide Iran with technical expertise, train-
12 ing, technology, or equipment necessary to develop a
13 nuclear reactor, related nuclear research facilities or
14 programs, or ballistic missile capability; and

15 (B) is providing full access to international non-
16 government organizations providing humanitarian
17 relief to refugees and internally displaced persons in
18 Chechnya.

19 (2) Paragraph (1) shall not apply to—

20 (A) assistance to combat infectious diseases or
21 assistance for victims of trafficking in persons; and

22 (B) activities authorized under title V (Non-
23 proliferation and Disarmament Programs and Ac-
24 tivities) of the FREEDOM Support Act.

1 (f) Of the funds appropriated under this heading, not
2 less than \$60,000,000 should be made available, in addi-
3 tion to funds otherwise available for such purposes, for
4 assistance for child survival, basic education, environ-
5 mental and reproductive health/family planning, and to
6 combat HIV/AIDS, tuberculosis and other infectious dis-
7 eases, and for related activities.

8 (g) None of the funds appropriated under this head-
9 ing may be made available for assistance for the Govern-
10 ment of Ukraine unless the Secretary of State determines
11 and certifies to the Committees on Appropriations that,
12 since September 11, 2001, the Government of Ukraine has
13 not facilitated or engaged in arms sales or arms transfers
14 to Iraq: *Provided*, That this paragraph shall not apply to
15 assistance to combat infectious diseases or assistance for
16 victims of trafficking in persons, and to activities author-
17 ized under title V (Nonproliferation and Disarmament
18 Programs and Activities) of the FREEDOM Support Act.

19 (h) Funds made available by this Act for assistance
20 for the Government of Uzbekistan may be made available
21 if the Secretary of State determines and reports to the
22 Committees on Appropriations that the Government of
23 Uzbekistan is making substantial and continuing progress
24 in meeting its commitments under the “Declaration on the
25 Strategic Partnership and Cooperation Framework Be-

1 tween the Republic of Uzbekistan and the United States
2 of America”.

3 INDEPENDENT AGENCIES

4 INTER-AMERICAN FOUNDATION

5 For expenses necessary to carry out the functions of
6 the Inter-American Foundation in accordance with the
7 provisions of section 401 of the Foreign Assistance Act
8 of 1969, \$16,000,000, to remain available until September
9 30, 2004.

10 AFRICAN DEVELOPMENT FOUNDATION

11 For expenses necessary to carry out title V of the
12 International Security and Development Cooperation Act
13 of 1980, Public Law 96–533, \$19,689,000, to remain
14 available until September 30, 2004: *Provided*, That funds
15 made available to grantees may be invested pending ex-
16 penditure for project purposes when authorized by the
17 Board of Directors of the Foundation: *Provided further*,
18 That interest earned shall be used only for the purposes
19 for which the grant was made: *Provided further*, That not-
20 withstanding section 505(a)(2) of the African Develop-
21 ment Foundation Act, in exceptional circumstances the
22 Board of Directors of the Foundation may waive the
23 \$250,000 limitation contained in that section with respect
24 to a project: *Provided further*, That the Foundation shall
25 provide a report to the Committees on Appropriations
26 after each time such waiver authority is exercised.

PEACE CORPS

1
2 For necessary expenses to carry out the provisions
3 of the Peace Corps Act (75 Stat. 612), \$317,000,000, in-
4 cluding the purchase of not to exceed five passenger motor
5 vehicles for administrative purposes for use outside of the
6 United States: *Provided*, That none of the funds appro-
7 priated under this heading shall be used to pay for abor-
8 tions: *Provided further*, That funds appropriated under
9 this heading shall remain available until September 30,
10 2004: *Provided further*, That the Director of the Peace
11 Corps may make appointments or assignments, or extend
12 current appointments or assignments, to permit United
13 States citizens to serve for periods in excess of five years
14 in the case of individuals whose appointment or assign-
15 ment, such as regional safety security officers and employ-
16 ees within the Office of the Inspector General, involves the
17 safety of Peace Corps volunteers: *Provided further*, That
18 the Director of the Peace Corps may make such appoint-
19 ments or assignments notwithstanding the provisions of
20 section 7 of the Peace Corps Act limiting the length of
21 an appointment or assignment, the circumstances under
22 which such an appointment or assignment may exceed five
23 years, and the percentage of appointments or assignments
24 that can be made in excess of five years.

1 DEPARTMENT OF STATE

2 INTERNATIONAL NARCOTICS CONTROL AND LAW

3 ENFORCEMENT

4 For necessary expenses to carry out section 481 of
5 the Foreign Assistance Act of 1961, \$197,000,000, to re-
6 main available until expended: *Provided*, That during fis-
7 cal year 2003, the Department of State may also use the
8 authority of section 608 of the Foreign Assistance Act of
9 1961, without regard to its restrictions, to receive excess
10 property from an agency of the United States Government
11 for the purpose of providing it to a foreign country under
12 chapter 8 of part I of that Act subject to the regular noti-
13 fication procedures of the Committees on Appropriations:
14 *Provided further*, That of the funds appropriated under
15 this heading, \$10,000,000 should be made available for
16 the demand reduction program: *Provided further*, That of
17 the funds appropriated under this heading, not more than
18 \$24,062,000 may be available for administrative expenses.

19 ANDEAN COUNTERDRUG INITIATIVE

20 For necessary expenses to carry out section 481 of
21 the Foreign Assistance Act of 1961 to support
22 counterdrug activities in the Andean region of South
23 America, \$731,000,000, to remain available until ex-
24 pended: *Provided*, That section 482(b) of the Foreign As-
25 sistance Act of 1961 shall not apply to funds appropriated
26 under this heading for assistance for Colombia: *Provided*

1 *further*, That assistance provided with funds appropriated
2 under this heading that is made available notwithstanding
3 section 482(b) of the Foreign Assistance Act of 1961, as
4 amended, shall be made available subject to the regular
5 notification procedures of the Committees on Appropria-
6 tions: *Provided further*, That in fiscal year 2003, funds
7 available to the Department of State for assistance to the
8 Government of Colombia shall be available to support a
9 unified campaign against narcotics trafficking, against ac-
10 tivities by organizations designated as terrorist organiza-
11 tions such as the Revolutionary Armed Forces of Colombia
12 (FARC), the National Liberation Army (ELN), and the
13 United Self-Defense Forces of Colombia (AUC), and to
14 take actions to protect human health and welfare in emer-
15 gency circumstances, including undertaking rescue oper-
16 ations: *Provided further*, That this authority shall cease
17 to be effective if the Secretary of State has credible evi-
18 dence that the Colombian Armed Forces are not con-
19 ducting vigorous operations to restore government author-
20 ity and respect for human rights in areas under the effec-
21 tive control of paramilitary and guerrilla organizations:
22 *Provided further*, That section 3204(b)(1)(A) of Public
23 Law 106–246, as amended, shall remain applicable to
24 funds made available for fiscal year 2003: *Provided fur-*
25 *ther*, That the President shall ensure that if any helicopter

1 procured with funds under this heading is used to aid or
2 abet the operations of any illegal self-defense group or ille-
3 gal security cooperative, such helicopter shall be imme-
4 diately returned to the United States: *Provided further,*
5 That none of the funds appropriated by this Act may be
6 made available to support a Peruvian air interdiction pro-
7 gram until the Secretary of State and Director of Central
8 Intelligence certify to the Congress, 30 days before any
9 resumption of United States involvement in a Peruvian air
10 interdiction program, that an air interdiction program
11 that permits the ability of the Peruvian Air Force to shoot
12 down aircraft will include enhanced safeguards and proce-
13 dures to prevent the occurrence of any incident similar to
14 the April 20, 2001 incident: *Provided further,* That the
15 Secretary of State, in consultation with the Administrator
16 of the United States Agency for International Develop-
17 ment, shall provide to the Committees on Appropriations
18 not later than 45 days after the date of the enactment
19 of this Act and prior to the initial obligation of funds ap-
20 propriated under this heading, a report on the proposed
21 uses of all funds under this heading on a country-by-coun-
22 try basis for each proposed program, project, or activity:
23 *Provided further,* That of the funds appropriated under
24 this heading, not more than \$15,680,000 may be made
25 available for administrative expenses of the Department

1 of State, and not more than \$4,500,000 may be made
 2 available for administrative expenses of the United States
 3 Agency for International Development.

4 MIGRATION AND REFUGEE ASSISTANCE

5 For expenses, not otherwise provided for, necessary
 6 to enable the Secretary of State to provide, as authorized
 7 by law, contributions to the International Committee of
 8 the Red Cross, assistance to refugees, including contribu-
 9 tions to the International Organization for Migration and
 10 the United Nations High Commissioner for Refugees, and
 11 other activities to meet refugee and migration needs; sala-
 12 ries and expenses of personnel and dependents as author-
 13 ized by the Foreign Service Act of 1980; allowances as
 14 authorized by sections 5921 through 5925 of title 5,
 15 United States Code; purchase and hire of passenger motor
 16 vehicles; and services as authorized by section 3109 of title
 17 5, United States Code, \$800,000,000, which shall remain
 18 available until expended: *Provided*, That of the funds ap-
 19 propriated under this heading, not more than \$16,000,000
 20 may be available for administrative expenses: *Provided*
 21 *further*, That funds appropriated under this heading may
 22 be made available for a headquarters contribution to the
 23 International Committee of the Red Cross only if the Sec-
 24 retary of State determines (and so reports to the appro-
 25 priate committees of the Congress) that the Magen David
 26 Adom Society of Israel is not being denied participation

1 in the activities of the International Red Cross and Red
2 Crescent Movement.

3 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
4 ASSISTANCE FUND

5 For necessary expenses to carry out the provisions
6 of section 2(c) of the Migration and Refugee Assistance
7 Act of 1962, as amended (22 U.S.C. 2601(c)),
8 \$20,000,000, to remain available until expended.

9 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
10 RELATED PROGRAMS

11 For necessary expenses for nonproliferation, anti-ter-
12 rorism and related programs and activities, \$347,400,000,
13 to carry out the provisions of chapter 8 of part II of the
14 Foreign Assistance Act of 1961 for anti-terrorism assist-
15 ance, chapter 9 of part II of the Foreign Assistance Act
16 of 1961, section 504 of the FREEDOM Support Act, sec-
17 tion 23 of the Arms Export Control Act or the Foreign
18 Assistance Act of 1961 for demining activities, the clear-
19 ance of unexploded ordnance, the destruction of small
20 arms, and related activities, notwithstanding any other
21 provision of law, including activities implemented through
22 nongovernmental and international organizations, section
23 301 of the Foreign Assistance Act of 1961 for a voluntary
24 contribution to the International Atomic Energy Agency
25 (IAEA) and a voluntary contribution to the Korean Penin-
26 sula Energy Development Organization (KEDO), and for

1 a United States contribution to the Comprehensive Nu-
2 clear Test Ban Treaty Preparatory Commission: *Provided*,
3 That the Secretary of State shall inform the Committees
4 on Appropriations at least 15 days prior to the obligation
5 of funds for the Comprehensive Nuclear Test Ban Treaty
6 Preparatory Commission: *Provided further*, That of this
7 amount not to exceed \$15,000,000, to remain available
8 until expended, may be made available for the Non-
9 proliferation and Disarmament Fund, notwithstanding
10 any other provision of law, to promote bilateral and multi-
11 lateral activities relating to nonproliferation and disar-
12 mament: *Provided further*, That such funds may also be
13 used for such countries other than the Independent States
14 of the former Soviet Union and international organiza-
15 tions when it is in the national security interest of the
16 United States to do so following consultation with the ap-
17 propriate committees of Congress: *Provided further*, That
18 funds appropriated under this heading may be made avail-
19 able for the International Atomic Energy Agency only if
20 the Secretary of State determines (and so reports to the
21 Congress) that Israel is not being denied its right to par-
22 ticipate in the activities of that Agency: *Provided further*,
23 That of the funds made available for demining and related
24 activities, not to exceed \$500,000, in addition to funds
25 otherwise available for such purposes, may be used for ad-

1 ministrative expenses related to the operation and man-
2 agement of the demining program.

3 DEPARTMENT OF THE TREASURY

4 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

5 For necessary expenses to carry out the provisions
6 of section 129 of the Foreign Assistance Act of 1961 (re-
7 lating to international affairs technical assistance activi-
8 ties), \$11,000,000, to remain available until expended,
9 which shall be available notwithstanding any other provi-
10 sion of law.

11 TITLE III—MILITARY ASSISTANCE

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 INTERNATIONAL MILITARY EDUCATION AND TRAINING

14 For necessary expenses to carry out the provisions
15 of section 541 of the Foreign Assistance Act of 1961,
16 \$80,000,000, of which up to \$3,000,000 may remain
17 available until expended: *Provided*, That the civilian per-
18 sonnel for whom military education and training may be
19 provided under this heading may include civilians who are
20 not members of a government whose participation would
21 contribute to improved civil-military relations, civilian con-
22 trol of the military, or respect for human rights: *Provided*
23 *further*, That funds appropriated under this heading for
24 grant financed military education and training for Guate-
25 mala may only be available for expanded international

1 military education and may only be provided through the
2 regular notification procedures of the Committees on Ap-
3 propriations.

4 FOREIGN MILITARY FINANCING PROGRAM

5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses necessary for grants to enable the
7 President to carry out the provisions of section 23 of the
8 Arms Export Control Act, \$4,080,200,000: *Provided*,
9 That of the funds appropriated under this heading, not
10 less than \$2,100,000,000 shall be available for grants only
11 for Israel, and not less than \$1,300,000,000 shall be made
12 available for grants only for Egypt: *Provided further*, That
13 the funds appropriated by this paragraph for Israel shall
14 be disbursed within 30 days of the enactment of this Act
15 or by October 31, 2002, whichever is later: *Provided fur-*
16 *ther*, That to the extent that the Government of Israel re-
17 quests that funds be used for such purposes, grants made
18 available for Israel by this paragraph shall, as agreed by
19 Israel and the United States, be available for advanced
20 weapons systems, of which not less than \$550,000,000
21 shall be available for the procurement in Israel of defense
22 articles and defense services, including research and devel-
23 opment: *Provided further*, That foreign military financing
24 program funds estimated to be outlaid for Egypt during
25 fiscal year 2003 shall be transferred to an interest bearing
26 account for Egypt in the Federal Reserve Bank of New

1 York within 30 days of enactment of this Act or by Octo-
2 ber 31, 2002, whichever is later: *Provided further*, That
3 funds appropriated by this paragraph shall be nonrepay-
4 able notwithstanding any requirement in section 23 of the
5 Arms Export Control Act: *Provided further*, That funds
6 made available under this paragraph shall be obligated
7 upon apportionment in accordance with paragraph (5)(C)
8 of title 31, United States Code, section 1501(a): *Provided*
9 *further*, That except as provided in the following proviso,
10 none of the funds appropriated by this paragraph may be
11 made available for helicopters and related support costs
12 for Colombia: *Provided further*, That up to \$98,000,000
13 of the funds appropriated by this paragraph may be trans-
14 ferred to and merged with funds appropriated under the
15 heading “International Narcotics Control and Law En-
16 forcement” for helicopters, training and other assistance
17 for the Colombian Armed Forces for security for the Cano
18 Limon pipeline.

19 None of the funds made available under this heading
20 shall be available to finance the procurement of defense
21 articles, defense services, or design and construction serv-
22 ices that are not sold by the United States Government
23 under the Arms Export Control Act unless the foreign
24 country proposing to make such procurements has first
25 signed an agreement with the United States Government

1 specifying the conditions under which such procurements
2 may be financed with such funds: *Provided*, That all coun-
3 try and funding level increases in allocations shall be sub-
4 mitted through the regular notification procedures of sec-
5 tion 515 of this Act: *Provided further*, That none of the
6 funds appropriated under this heading shall be available
7 for assistance for Sudan and Liberia: *Provided further*,
8 That funds made available under this heading may be
9 used, notwithstanding any other provision of law, for
10 demining, the clearance of unexploded ordnance, and re-
11 lated activities, and may include activities implemented
12 through nongovernmental and international organizations:
13 *Provided further*, That none of the funds appropriated
14 under this heading shall be available for assistance for
15 Guatemala: *Provided further*, That only those countries for
16 which assistance was justified for the “Foreign Military
17 Sales Financing Program” in the fiscal year 1989 con-
18 gressional presentation for security assistance programs
19 may utilize funds made available under this heading for
20 procurement of defense articles, defense services or design
21 and construction services that are not sold by the United
22 States Government under the Arms Export Control Act:
23 *Provided further*, That funds appropriated under this
24 heading shall be expended at the minimum rate necessary
25 to make timely payment for defense articles and services:

1 *Provided further*, That not more than \$38,000,000 of the
2 funds appropriated under this heading may be obligated
3 for necessary expenses, including the purchase of pas-
4 senger motor vehicles for replacement only for use outside
5 of the United States, for the general costs of admin-
6 istering military assistance and sales: *Provided further*,
7 That not more than \$356,000,000 of funds realized pursu-
8 ant to section 21(e)(1)(A) of the Arms Export Control Act
9 may be obligated for expenses incurred by the Department
10 of Defense during fiscal year 2003 pursuant to section
11 43(b) of the Arms Export Control Act, except that this
12 limitation may be exceeded only through the regular notifi-
13 cation procedures of the Committees on Appropriations.

14 PEACEKEEPING OPERATIONS

15 For necessary expenses to carry out the provisions
16 of section 551 of the Foreign Assistance Act of 1961,
17 \$125,000,000: *Provided*, That none of the funds appro-
18 priated under this heading shall be obligated or expended
19 except as provided through the regular notification proce-
20 dures of the Committees on Appropriations.

1 TITLE IV—MULTILATERAL ECONOMIC
2 ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 INTERNATIONAL FINANCIAL INSTITUTIONS
5 GLOBAL ENVIRONMENT FACILITY

6 For the United States contribution for the Global En-
7 vironment Facility, \$147,812,533, to the International
8 Bank for Reconstruction and Development as trustee for
9 the Global Environment Facility, by the Secretary of the
10 Treasury, to remain available until expended.

11 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
12 ASSOCIATION

13 For payment to the International Development Asso-
14 ciation by the Secretary of the Treasury, \$874,338,333,
15 to remain available until expended.

16 CONTRIBUTION TO THE MULTILATERAL INVESTMENT
17 GUARANTEE AGENCY

18 For payment to the Multilateral Investment Guar-
19 antee Agency by the Secretary of the Treasury,
20 \$1,630,696, for the United States paid-in share of the in-
21 crease in capital stock, to remain available until expended.

22 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

23 The United States Governor of the Multilateral In-
24 vestment Guarantee Agency may subscribe without fiscal
25 year limitation for the callable capital portion of the

1 United States share of such capital stock in an amount
2 not to exceed \$6,825,178.

3 CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT
4 CORPORATION

5 For payment to the Inter-American Investment Cor-
6 poration, by the Secretary of the Treasury, \$30,351,667,
7 for the United States share of the increase in subscrip-
8 tions to capital stock, to remain available until expended.

9 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
10 MULTILATERAL INVESTMENT FUND

11 For payment to the Enterprise for the Americas Mul-
12 tilateral Investment Fund by the Secretary of the Treas-
13 ury, for the United States contribution to the fund,
14 \$24,590,667, to remain available until expended.

15 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

16 For the United States contribution by the Secretary
17 of the Treasury to the increase in resources of the Asian
18 Development Fund, as authorized by the Asian Develop-
19 ment Bank Act, as amended, \$97,886,133, to remain
20 available until expended.

21 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

22 For payment to the African Development Bank by
23 the Secretary of the Treasury, \$5,104,473, for the United
24 States paid-in share of the increase in capital stock, to
25 remain available until expended.

1 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

2 The United States Governor of the African Develop-
3 ment Bank may subscribe without fiscal year limitation
4 for the callable capital portion of the United States share
5 of such capital stock in an amount not to exceed
6 \$79,602,688.

7 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary
9 of the Treasury to the increase in resources of the African
10 Development Fund, \$113,073,333, to remain available
11 until expended.

12 CONTRIBUTION TO THE EUROPEAN BANK FOR

13 RECONSTRUCTION AND DEVELOPMENT

14 For payment to the European Bank for Reconstruct-
15 tion and Development by the Secretary of the Treasury,
16 \$35,804,955, for the United States share of the paid-in
17 portion of the increase in capital stock, to remain available
18 until expended.

19 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

20 The United States Governor of the European Bank
21 for Reconstruction and Development may subscribe with-
22 out fiscal year limitation to the callable capital portion of
23 the United States share of such capital stock in an amount
24 not to exceed \$123,328,178.

1 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
2 AGRICULTURAL DEVELOPMENT

3 For the United States contribution by the Secretary
4 of the Treasury to increase the resources of the Inter-
5 national Fund for Agricultural Development,
6 \$15,003,667, to remain available until expended.

7 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

8 For necessary expenses to carry out the provisions
9 of section 301 of the Foreign Assistance Act of 1961, and
10 of section 2 of the United Nations Environment Program
11 Participation Act of 1973, \$190,400,000: *Provided*, That
12 none of the funds appropriated under this heading may
13 be made available to the Korean Peninsula Energy Devel-
14 opment Organization (KEDO) or the International Atomic
15 Energy Agency (IAEA).

16 TITLE V—GENERAL PROVISIONS

17 OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

18 SEC. 501. Except for the appropriations entitled
19 “International Disaster Assistance”, and “United States
20 Emergency Refugee and Migration Assistance Fund”, not
21 more than 15 percent of any appropriation item made
22 available by this Act shall be obligated during the last
23 month of availability.

24 PRIVATE AND VOLUNTARY ORGANIZATIONS

25 SEC. 502. (a) None of the funds appropriated or oth-
26 erwise made available by this Act for development assist-

1 ance may be made available to any United States private
2 and voluntary organization, except any cooperative devel-
3 opment organization, which obtains less than 20 percent
4 of its total annual funding for international activities from
5 sources other than the United States Government: *Pro-*
6 *vided*, That the Administrator of the United States Agen-
7 cy for International Development, after informing the
8 Committees on Appropriations, may, on a case-by-case
9 basis, waive the restriction contained in this subsection,
10 after taking into account the effectiveness of the overseas
11 development activities of the organization, its level of vol-
12 unteer support, its financial viability and stability, and the
13 degree of its dependence for its financial support on the
14 agency.

15 (b) Funds appropriated or otherwise made available
16 under title II of this Act should be made available to pri-
17 vate and voluntary organizations at a level which is at
18 least equivalent to the level provided in fiscal year 1995.

19 LIMITATION ON RESIDENCE EXPENSES

20 SEC. 503. Of the funds appropriated or made avail-
21 able pursuant to this Act, not to exceed \$126,500 shall
22 be for official residence expenses of the United States
23 Agency for International Development during the current
24 fiscal year: *Provided*, That appropriate steps shall be
25 taken to assure that, to the maximum extent possible,

1 United States-owned foreign currencies are utilized in lieu
2 of dollars.

3 LIMITATION ON EXPENSES

4 SEC. 504. Of the funds appropriated or made avail-
5 able pursuant to this Act, not to exceed \$5,000 shall be
6 for entertainment expenses of the United States Agency
7 for International Development during the current fiscal
8 year.

9 LIMITATION ON REPRESENTATIONAL ALLOWANCES

10 SEC. 505. Of the funds appropriated or made avail-
11 able pursuant to this Act, not to exceed \$95,000 shall be
12 available for representation allowances for the United
13 States Agency for International Development during the
14 current fiscal year: *Provided*, That appropriate steps shall
15 be taken to assure that, to the maximum extent possible,
16 United States-owned foreign currencies are utilized in lieu
17 of dollars: *Provided further*, That of the funds made avail-
18 able by this Act for general costs of administering military
19 assistance and sales under the heading “Foreign Military
20 Financing Program”, not to exceed \$2,000 shall be avail-
21 able for entertainment expenses and not to exceed
22 \$125,000 shall be available for representation allowances:
23 *Provided further*, That of the funds made available by this
24 Act under the heading “International Military Education
25 and Training”, not to exceed \$50,000 shall be available
26 for entertainment allowances: *Provided further*, That of

1 the funds made available by this Act for the Inter-Amer-
2 ican Foundation, not to exceed \$2,000 shall be available
3 for entertainment and representation allowances: *Provided*
4 *further*, That of the funds made available by this Act for
5 the Peace Corps, not to exceed a total of \$4,000 shall be
6 available for entertainment expenses: *Provided further*,
7 That of the funds made available by this Act under the
8 heading “Trade and Development Agency”, not to exceed
9 \$2,000 shall be available for representation and entertain-
10 ment allowances.

11 PROHIBITION ON FINANCING NUCLEAR GOODS

12 SEC. 506. None of the funds appropriated or made
13 available (other than funds for “Nonproliferation, Anti-
14 terrorism, Demining and Related Programs”) pursuant to
15 this Act, for carrying out the Foreign Assistance Act of
16 1961, may be used, except for purposes of nuclear safety,
17 to finance the export of nuclear equipment, fuel, or tech-
18 nology.

19 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
20 COUNTRIES

21 SEC. 507. None of the funds appropriated or other-
22 wise made available pursuant to this Act shall be obligated
23 or expended to finance directly any assistance or repara-
24 tions to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or
25 Syria: *Provided*, That for purposes of this section, the pro-
26 hibition on obligations or expenditures shall include direct

1 loans, credits, insurance and guarantees of the Export-Im-
2 port Bank or its agents.

3 MILITARY COUPS

4 SEC. 508. None of the funds appropriated or other-
5 wise made available pursuant to this Act shall be obligated
6 or expended to finance directly any assistance to the gov-
7 ernment of any country whose duly elected head of govern-
8 ment is deposed by decree or military coup: *Provided*, That
9 assistance may be resumed to such government if the
10 President determines and certifies to the Committees on
11 Appropriations that subsequent to the termination of as-
12 sistance a democratically elected government has taken of-
13 fice: *Provided further*, That the provisions of this section
14 shall not apply to assistance to promote democratic elec-
15 tions or public participation in democratic processes: *Pro-*
16 *vided further*, That funds made available pursuant to the
17 previous provisos shall be subject to the regular notifica-
18 tion procedures of the Committees on Appropriations.

19 TRANSFERS BETWEEN ACCOUNTS

20 SEC. 509. (a) None of the funds made available by
21 this Act may be transferred to any department, agency,
22 or instrumentality of the United States Government, ex-
23 cept pursuant to a transfer made by, or transfer authority
24 provided in, this Act or any other appropriation Act.

25 (b) Notwithstanding subsection (a), in addition to
26 transfers made by, or authorized elsewhere in, this Act,

1 funds appropriated by this Act to carry out the purposes
2 of the Foreign Assistance Act of 1961 may be allocated
3 or transferred to agencies of the United States Govern-
4 ment pursuant to the provisions of sections 109, 610, and
5 632 of the Foreign Assistance Act of 1961.

6 (c) None of the funds made available by this Act may
7 be obligated under an appropriation account to which they
8 were not appropriated, except for transfers specifically
9 provided for in this Act, unless the President, not less than
10 five days prior to the exercise of any authority contained
11 in the Foreign Assistance Act of 1961 to transfer funds,
12 consults with and provides a written policy justification
13 to the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate.

15 (d) Any agreement for the transfer or allocation of
16 funds appropriated by this Act, or prior Acts, entered into
17 between the United States Agency for International Devel-
18 opment and another agency of the United States Govern-
19 ment under the authority of section 632(a) of the Foreign
20 Assistance Act of 1961 or any comparable provision of
21 law, shall expressly provide that the Office of the Inspector
22 General for the agency receiving the transfer or allocation
23 of such funds shall perform periodic program and financial
24 audits of the use of such funds: *Provided*, That funds

1 transferred under such authority may be made available
2 for the cost of such audits.

3 DEOBLIGATION/REOBLIGATION AUTHORITY

4 SEC. 510. Obligated balances of funds appropriated
5 to carry out section 23 of the Arms Export Control Act
6 as of the end of the fiscal year immediately preceding the
7 current fiscal year are, if deobligated, hereby continued
8 available during the current fiscal year for the same pur-
9 pose under any authority applicable to such appropriations
10 under this Act: *Provided*, That the authority of this sec-
11 tion may not be used in fiscal year 2003.

12 AVAILABILITY OF FUNDS

13 SEC. 511. No part of any appropriation contained in
14 this Act shall remain available for obligation after the ex-
15 piration of the current fiscal year unless expressly so pro-
16 vided in this Act: *Provided*, That funds appropriated for
17 the purposes of chapters 1, 8, 11, and 12 of part I, section
18 667, chapter 4 of part II of the Foreign Assistance Act
19 of 1961, as amended, section 23 of the Arms Export Con-
20 trol Act, and funds provided under the heading “Assist-
21 ance for Eastern Europe and the Baltic States”, shall re-
22 main available for an additional 4 years from the date on
23 which the availability of such funds would otherwise have
24 expired, if such funds are initially obligated before the ex-
25 piration of their respective periods of availability contained
26 in this Act: *Provided further*, That, notwithstanding any

1 other provision of this Act, any funds made available for
2 the purposes of chapter 1 of part I and chapter 4 of part
3 II of the Foreign Assistance Act of 1961 which are allo-
4 cated or obligated for cash disbursements in order to ad-
5 dress balance of payments or economic policy reform ob-
6 jectives, shall remain available until expended.

7 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

8 SEC. 512. No part of any appropriation contained in
9 this Act shall be used to furnish assistance to the govern-
10 ment of any country which is in default during a period
11 in excess of one calendar year in payment to the United
12 States of principal or interest on any loan made to the
13 government of such country by the United States pursuant
14 to a program for which funds are appropriated under this
15 Act unless the President determines, following consulta-
16 tions with the Committees on Appropriations, that assist-
17 ance to such country is in the national interest of the
18 United States.

19 COMMERCE AND TRADE

20 SEC. 513. (a) None of the funds appropriated or
21 made available pursuant to this Act for direct assistance
22 and none of the funds otherwise made available pursuant
23 to this Act to the Export-Import Bank and the Overseas
24 Private Investment Corporation shall be obligated or ex-
25 pended to finance any loan, any assistance or any other
26 financial commitments for establishing or expanding pro-

1 duction of any commodity for export by any country other
2 than the United States, if the commodity is likely to be
3 in surplus on world markets at the time the resulting pro-
4 ductive capacity is expected to become operative and if the
5 assistance will cause substantial injury to United States
6 producers of the same, similar, or competing commodity:
7 *Provided*, That such prohibition shall not apply to the Ex-
8 port-Import Bank if in the judgment of its Board of Direc-
9 tors the benefits to industry and employment in the
10 United States are likely to outweigh the injury to United
11 States producers of the same, similar, or competing com-
12 modity, and the Chairman of the Board so notifies the
13 Committees on Appropriations.

14 (b) None of the funds appropriated by this or any
15 other Act to carry out chapter 1 of part I of the Foreign
16 Assistance Act of 1961 shall be available for any testing
17 or breeding feasibility study, variety improvement or intro-
18 duction, consultancy, publication, conference, or training
19 in connection with the growth or production in a foreign
20 country of an agricultural commodity for export which
21 would compete with a similar commodity grown or pro-
22 duced in the United States: *Provided*, That this subsection
23 shall not prohibit—

24 (1) activities designed to increase food security
25 in developing countries where such activities will not

1 have a significant impact in the export of agricul-
2 tural commodities of the United States; or

3 (2) research activities intended primarily to
4 benefit American producers.

5 SURPLUS COMMODITIES

6 SEC. 514. The Secretary of the Treasury shall in-
7 struct the United States Executive Directors of the Inter-
8 national Bank for Reconstruction and Development, the
9 International Development Association, the International
10 Finance Corporation, the Inter-American Development
11 Bank, the International Monetary Fund, the Asian Devel-
12 opment Bank, the Inter-American Investment Corpora-
13 tion, the North American Development Bank, the Euro-
14 pean Bank for Reconstruction and Development, the Afri-
15 can Development Bank, and the African Development
16 Fund to use the voice and vote of the United States to
17 oppose any assistance by these institutions, using funds
18 appropriated or made available pursuant to this Act, for
19 the production or extraction of any commodity or mineral
20 for export, if it is in surplus on world markets and if the
21 assistance will cause substantial injury to United States
22 producers of the same, similar, or competing commodity.

23 NOTIFICATION REQUIREMENTS

24 SEC. 515. (a) For the purposes of providing the exec-
25 utive branch with the necessary administrative flexibility,
26 none of the funds made available under this Act for “Child

1 Survival and Health Programs Fund”, “Development As-
 2 sistance”, “International Organizations and Programs”,
 3 “Trade and Development Agency”, “International Nar-
 4 cotics Control and Law Enforcement”, “Andean
 5 Counterdrug Initiative”, “Assistance for Eastern Europe
 6 and the Baltic States”, “Assistance for the Independent
 7 States of the Former Soviet Union”, “Economic Support
 8 Fund”, “Peacekeeping Operations”, “Capital Investment
 9 Fund”, “Operating Expenses of the United States Agency
 10 for International Development”, “Operating Expenses of
 11 the United States Agency for International Development
 12 Office of Inspector General”, “Nonproliferation, Anti-ter-
 13 rorism, Demining and Related Programs”, “Foreign Mili-
 14 tary Financing Program”, “International Military Edu-
 15 cation and Training”, “Peace Corps”, and “Migration and
 16 Refugee Assistance”, shall be available for obligation for
 17 activities, programs, projects, type of materiel assistance,
 18 countries, or other operations not justified or in excess of
 19 the amount justified to the Appropriations Committees for
 20 obligation under any of these specific headings unless the
 21 Committees on Appropriations of both Houses of Congress
 22 are previously notified 15 days in advance: *Provided*, That
 23 the President shall not enter into any commitment of
 24 funds appropriated for the purposes of section 23 of the
 25 Arms Export Control Act for the provision of major de-

1 fense equipment, other than conventional ammunition, or
2 other major defense items defined to be aircraft, ships,
3 missiles, or combat vehicles, not previously justified to
4 Congress or 20 percent in excess of the quantities justified
5 to Congress unless the Committees on Appropriations are
6 notified 15 days in advance of such commitment: *Provided*
7 *further*, That this section shall not apply to any re-
8 programming for an activity, program, or project under
9 chapter 1 of part I of the Foreign Assistance Act of 1961
10 of less than 10 percent of the amount previously justified
11 to the Congress for obligation for such activity, program,
12 or project for the current fiscal year: *Provided further*,
13 That the requirements of this section or any similar provi-
14 sion of this Act or any other Act, including any prior Act
15 requiring notification in accordance with the regular noti-
16 fication procedures of the Committees on Appropriations,
17 may be waived if failure to do so would pose a substantial
18 risk to human health or welfare: *Provided further*, That
19 in case of any such waiver, notification to the Congress,
20 or the appropriate congressional committees, shall be pro-
21 vided as early as practicable, but in no event later than
22 3 days after taking the action to which such notification
23 requirement was applicable, in the context of the cir-
24 cumstances necessitating such waiver: *Provided further*,
25 That any notification provided pursuant to such a waiver

1 shall contain an explanation of the emergency cir-
2 cumstances.

3 LIMITATION ON AVAILABILITY OF FUNDS FOR
4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

5 SEC. 516. Subject to the regular notification proce-
6 dures of the Committees on Appropriations, funds appro-
7 priated under this Act or any previously enacted Act mak-
8 ing appropriations for foreign operations, export financ-
9 ing, and related programs, which are returned or not made
10 available for organizations and programs because of the
11 implementation of section 307(a) of the Foreign Assist-
12 ance Act of 1961, shall remain available for obligation
13 until September 30, 2004.

14 INDEPENDENT STATES OF THE FORMER SOVIET UNION

15 SEC. 517. (a) None of the funds appropriated under
16 the heading “Assistance for the Independent States of the
17 Former Soviet Union” shall be made available for assist-
18 ance for a government of an Independent State of the
19 former Soviet Union—

20 (1) unless that government is making progress
21 in implementing comprehensive economic reforms
22 based on market principles, private ownership, re-
23 spect for commercial contracts, and equitable treat-
24 ment of foreign private investment; and

25 (2) if that government applies or transfers
26 United States assistance to any entity for the pur-

1 pose of expropriating or seizing ownership or control
2 of assets, investments, or ventures.

3 Assistance may be furnished without regard to this sub-
4 section if the President determines that to do so is in the
5 national interest.

6 (b) None of the funds appropriated under the heading
7 “Assistance for the Independent States of the Former So-
8 viet Union” shall be made available for assistance for a
9 government of an Independent State of the former Soviet
10 Union if that government directs any action in violation
11 of the territorial integrity or national sovereignty of any
12 other Independent State of the former Soviet Union, such
13 as those violations included in the Helsinki Final Act: *Pro-*
14 *vided*, That such funds may be made available without re-
15 gard to the restriction in this subsection if the President
16 determines that to do so is in the national security interest
17 of the United States.

18 (c) None of the funds appropriated under the heading
19 “Assistance for the Independent States of the Former So-
20 viet Union” shall be made available for any state to en-
21 hance its military capability: *Provided*, That this restric-
22 tion does not apply to demilitarization, demining or non-
23 proliferation programs.

24 (d) Funds appropriated under the heading “Assist-
25 ance for the Independent States of the Former Soviet

1 Union” for the Russian Federation, Armenia, Georgia,
2 and Ukraine shall be subject to the regular notification
3 procedures of the Committees on Appropriations.

4 (e) Funds made available in this Act for assistance
5 for the Independent States of the former Soviet Union
6 shall be subject to the provisions of section 117 (relating
7 to environment and natural resources) of the Foreign As-
8 sistance Act of 1961.

9 (f) Funds appropriated in this or prior appropriations
10 Acts that are or have been made available for an Enter-
11 prise Fund in the Independent States of the Former So-
12 viet Union may be deposited by such Fund in interest-
13 bearing accounts prior to the disbursement of such funds
14 by the Fund for program purposes. The Fund may retain
15 for such program purposes any interest earned on such
16 deposits without returning such interest to the Treasury
17 of the United States and without further appropriation by
18 the Congress. Funds made available for Enterprise Funds
19 shall be expended at the minimum rate necessary to make
20 timely payment for projects and activities.

21 (g) In issuing new task orders, entering into con-
22 tracts, or making grants, with funds appropriated in this
23 Act or prior appropriations Acts under the heading “As-
24 sistance for the Independent States of the Former Soviet
25 Union” and under comparable headings in prior appro-

1 priations Acts, for projects or activities that have as one
2 of their primary purposes the fostering of private sector
3 development, the Coordinator for United States Assistance
4 to the New Independent States and the implementing
5 agency shall encourage the participation of and give sig-
6 nificant weight to contractors and grantees who propose
7 investing a significant amount of their own resources (in-
8 cluding volunteer services and in-kind contributions) in
9 such projects and activities.

10 PROHIBITION ON FUNDING FOR ABORTIONS AND
11 INVOLUNTARY STERILIZATION

12 SEC. 518. None of the funds made available to carry
13 out part I of the Foreign Assistance Act of 1961, as
14 amended, may be used to pay for the performance of abor-
15 tions as a method of family planning or to motivate or
16 coerce any person to practice abortions. None of the funds
17 made available to carry out part I of the Foreign Assist-
18 ance Act of 1961, as amended, may be used to pay for
19 the performance of involuntary sterilization as a method
20 of family planning or to coerce or provide any financial
21 incentive to any person to undergo sterilizations. None of
22 the funds made available to carry out part I of the Foreign
23 Assistance Act of 1961, as amended, may be used to pay
24 for any biomedical research which relates in whole or in
25 part, to methods of, or the performance of, abortions or
26 involuntary sterilization as a means of family planning.

1 None of the funds made available to carry out part I of
2 the Foreign Assistance Act of 1961, as amended, may be
3 obligated or expended for any country or organization if
4 the President certifies that the use of these funds by any
5 such country or organization would violate any of the
6 above provisions related to abortions and involuntary steri-
7 lizations.

8 EXPORT FINANCING TRANSFER AUTHORITIES

9 SEC. 519. Not to exceed 5 percent of any appropria-
10 tion other than for administrative expenses made available
11 for fiscal year 2003, for programs under title I of this
12 Act may be transferred between such appropriations for
13 use for any of the purposes, programs, and activities for
14 which the funds in such receiving account may be used,
15 but no such appropriation, except as otherwise specifically
16 provided, shall be increased by more than 25 percent by
17 any such transfer: *Provided*, That the exercise of such au-
18 thority shall be subject to the regular notification proce-
19 dures of the Committees on Appropriations.

20 SPECIAL NOTIFICATION REQUIREMENTS

21 SEC. 520. None of the funds appropriated by this Act
22 shall be obligated or expended for Colombia, Liberia,
23 Sudan, Zimbabwe, Pakistan, or the Democratic Republic
24 of Congo except as provided through the regular notifica-
25 tion procedures of the Committees on Appropriations.

1 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

2 SEC. 521. For the purpose of this Act, “program,
3 project, and activity” shall be defined at the appropria-
4 tions Act account level and shall include all appropriations
5 and authorizations Acts earmarks, ceilings, and limita-
6 tions with the exception that for the following accounts:
7 Economic Support Fund and Foreign Military Financing
8 Program, “program, project, and activity” shall also be
9 considered to include country, regional, and central pro-
10 gram level funding within each such account; for the devel-
11 opment assistance accounts of the United States Agency
12 for International Development “program, project, and ac-
13 tivity” shall also be considered to include central, country,
14 regional, and program level funding, either as: (1) justified
15 to the Congress; or (2) allocated by the executive branch
16 in accordance with a report, to be provided to the Commit-
17 tees on Appropriations within 30 days of the enactment
18 of this Act, as required by section 653(a) of the Foreign
19 Assistance Act of 1961.

20 CHILD SURVIVAL AND HEALTH ACTIVITIES

21 SEC. 522. Up to \$11,000,000 of the funds made
22 available by this Act for assistance under the heading
23 “Child Survival and Health Programs Fund”, may be
24 used to reimburse United States Government agencies,
25 agencies of State governments, institutions of higher
26 learning, and private and voluntary organizations for the

1 full cost of individuals (including for the personal services
2 of such individuals) detailed or assigned to, or contracted
3 by, as the case may be, the United States Agency for
4 International Development for the purpose of carrying out
5 activities under that heading: *Provided*, That up to
6 \$3,500,000 of the funds made available by this Act for
7 assistance under the heading “Development Assistance”
8 may be used to reimburse such agencies, institutions, and
9 organizations for such costs of such individuals carrying
10 out other development assistance activities: *Provided fur-*
11 *ther*, That funds appropriated by this Act that are made
12 available for child survival activities or disease programs
13 including activities relating to research on, and the preven-
14 tion, treatment and control of, HIV/AIDS may be made
15 available notwithstanding any other provision of law: *Pro-*
16 *vided further*, That funds appropriated under title II of
17 this Act may be made available pursuant to section 301
18 of the Foreign Assistance Act of 1961 if a primary pur-
19 pose of the assistance is for child survival and related pro-
20 grams.

21 AFGHANISTAN

22 SEC. 523. Of the funds appropriated by title II of
23 this Act and under the heading “International Organiza-
24 tions and Programs”, not less than \$295,500,000 shall
25 be made available for humanitarian and reconstruction as-
26 sistance for Afghanistan, including assistance to improve

1 the status of women in Afghanistan, assistance to victims
2 of war, and assistance to repair roads and bridges, of
3 which not less than \$2,500,000 should be made available
4 for multiservice women's centers.

5 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

6 SEC. 524. Prior to providing excess Department of
7 Defense articles in accordance with section 516(a) of the
8 Foreign Assistance Act of 1961, the Department of De-
9 fense shall notify the Committees on Appropriations to the
10 same extent and under the same conditions as are other
11 committees pursuant to subsection (f) of that section: *Pro-*
12 *vided*, That before issuing a letter of offer to sell excess
13 defense articles under the Arms Export Control Act, the
14 Department of Defense shall notify the Committees on
15 Appropriations in accordance with the regular notification
16 procedures of such Committees if such defense articles are
17 significant military equipment (as defined in section 47(9)
18 of the Arms Export Control Act) or are valued (in terms
19 of original acquisition cost) at \$7,000,000 or more, or if
20 notification is required elsewhere in this Act for the use
21 of appropriated funds for specific countries that would re-
22 ceive such excess defense articles: *Provided further*, That
23 such Committees shall also be informed of the original ac-
24 quisition cost of such defense articles.

1 AUTHORIZATION REQUIREMENT

2 SEC. 525. Funds appropriated by this Act, except
3 funds appropriated under the headings “Trade and Devel-
4 opment Agency” and “Peace Corps”, may be obligated
5 and expended notwithstanding section 10 of Public Law
6 91–672 and section 15 of the State Department Basic Au-
7 thorities Act of 1956.

8 DEMOCRACY PROGRAMS

9 SEC. 526. (a) Funds appropriated by this Act that
10 are provided to the National Endowment for Democracy
11 may be provided notwithstanding any other provision of
12 law or regulation: *Provided*, That notwithstanding any
13 other provision of law, not to exceed \$3,000,000 of the
14 funds appropriated by this Act to carry out the provisions
15 of chapter 4 of part II of the Foreign Assistance Act of
16 1961 may be made available to nongovernmental organiza-
17 tions located outside the People’s Republic of China to
18 support activities which preserve cultural traditions and
19 promote sustainable development and environmental con-
20 servation in Tibetan communities in Tibet: *Provided fur-*
21 *ther*, That funds made available pursuant to the authority
22 of this subsection for programs, projects, and activities for
23 the People’s Republic of China shall be subject to the reg-
24 ular notification procedures of the Committees on Appro-
25 priations.

1 (b) Funds appropriated by this Act under the heading
2 “Economic Support Fund” may be made available, not-
3 withstanding any other provision of law, for programs and
4 activities to foster democracy, human rights, press free-
5 doms, women’s development, and the rule of law in coun-
6 tries with a significant Muslim population, and where such
7 programs and activities would be important to United
8 States efforts to respond to, deter, or prevent acts of inter-
9 national terrorism: *Provided*, That funds made available
10 pursuant to the authority of this subsection should sup-
11 port new initiatives or bolster ongoing programs and ac-
12 tivities in those countries: *Provided further*, That funds
13 made available pursuant to the authority of this subsection
14 shall be subject to the regular notification procedures of
15 the Committees on Appropriations.

16 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
17 COUNTRIES

18 SEC. 527. (a) Funds appropriated for bilateral assist-
19 ance under any heading of this Act and funds appro-
20 priated under any such heading in a provision of law en-
21 acted prior to the enactment of this Act, shall not be made
22 available to any country which the President determines—

23 (1) grants sanctuary from prosecution to any
24 individual or group which has committed an act of
25 international terrorism; or

26 (2) otherwise supports international terrorism.

1 (b) The President may waive the application of sub-
2 section (a) to a country if the President determines that
3 national security or humanitarian reasons justify such
4 waiver. The President shall publish each waiver in the
5 Federal Register and, at least 15 days before the waiver
6 takes effect, shall notify the Committees on Appropria-
7 tions of the waiver (including the justification for the waiv-
8 er) in accordance with the regular notification procedures
9 of the Committees on Appropriations.

10 DEBT-FOR-DEVELOPMENT

11 SEC. 528. In order to enhance the continued partici-
12 pation of nongovernmental organizations in debt-for-devel-
13 opment and debt-for-nature exchanges, a nongovern-
14 mental organization which is a grantee or contractor of
15 the United States Agency for International Development
16 may place in interest bearing accounts local currencies
17 which accrue to that organization as a result of economic
18 assistance provided under title II of this Act and any in-
19 terest earned on such investment shall be used for the pur-
20 pose for which the assistance was provided to that organi-
21 zation.

22 SEPARATE ACCOUNTS

23 SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL
24 CURRENCIES.—(1) If assistance is furnished to the gov-
25 ernment of a foreign country under chapters 1 and 10 of
26 part I or chapter 4 of part II of the Foreign Assistance

1 Act of 1961 under agreements which result in the genera-
2 tion of local currencies of that country, the Administrator
3 of the United States Agency for International Develop-
4 ment shall—

5 (A) require that local currencies be deposited in
6 a separate account established by that government;

7 (B) enter into an agreement with that govern-
8 ment which sets forth—

9 (i) the amount of the local currencies to be
10 generated; and

11 (ii) the terms and conditions under which
12 the currencies so deposited may be utilized, con-
13 sistent with this section; and

14 (C) establish by agreement with that govern-
15 ment the responsibilities of the United States Agen-
16 cy for International Development and that govern-
17 ment to monitor and account for deposits into and
18 disbursements from the separate account.

19 (2) USES OF LOCAL CURRENCIES.—As may be
20 agreed upon with the foreign government, local currencies
21 deposited in a separate account pursuant to subsection
22 (a), or an equivalent amount of local currencies, shall be
23 used only—

1 (A) to carry out chapter 1 or 10 of part I or
2 chapter 4 of part II (as the case may be), for such
3 purposes as—

4 (i) project and sector assistance activities;

5 or

6 (ii) debt and deficit financing; or

7 (B) for the administrative requirements of the
8 United States Government.

9 (3) PROGRAMMING ACCOUNTABILITY.—The United
10 States Agency for International Development shall take all
11 necessary steps to ensure that the equivalent of the local
12 currencies disbursed pursuant to subsection (a)(2)(A)
13 from the separate account established pursuant to sub-
14 section (a)(1) are used for the purposes agreed upon pur-
15 suant to subsection (a)(2).

16 (4) TERMINATION OF ASSISTANCE PROGRAMS.—
17 Upon termination of assistance to a country under chapter
18 1 or 10 of part I or chapter 4 of part II (as the case
19 may be), any unencumbered balances of funds which re-
20 main in a separate account established pursuant to sub-
21 section (a) shall be disposed of for such purposes as may
22 be agreed to by the government of that country and the
23 United States Government.

24 (5) REPORTING REQUIREMENT.—The Administrator
25 of the United States Agency for International Develop-

1 ment shall report on an annual basis as part of the jus-
2 tification documents submitted to the Committees on Ap-
3 propriations on the use of local currencies for the adminis-
4 trative requirements of the United States Government as
5 authorized in subsection (a)(2)(B), and such report shall
6 include the amount of local currency (and United States
7 dollar equivalent) used and/or to be used for such purpose
8 in each applicable country.

9 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

10 (1) If assistance is made available to the government of
11 a foreign country, under chapter 1 or 10 of part I or chap-
12 ter 4 of part II of the Foreign Assistance Act of 1961,
13 as cash transfer assistance or as nonproject sector assist-
14 ance, that country shall be required to maintain such
15 funds in a separate account and not commingle them with
16 any other funds.

17 (2) APPLICABILITY OF OTHER PROVISIONS OF
18 LAW.—Such funds may be obligated and expended not-
19 withstanding provisions of law which are inconsistent with
20 the nature of this assistance including provisions which
21 are referenced in the Joint Explanatory Statement of the
22 Committee of Conference accompanying House Joint Res-
23 olution 648 (House Report No. 98–1159).

24 (3) NOTIFICATION.—At least 15 days prior to obli-
25 gating any such cash transfer or nonproject sector assist-

1 ance, the President shall submit a notification through the
2 regular notification procedures of the Committees on Ap-
3 propriations, which shall include a detailed description of
4 how the funds proposed to be made available will be used,
5 with a discussion of the United States interests that will
6 be served by the assistance (including, as appropriate, a
7 description of the economic policy reforms that will be pro-
8 moted by such assistance).

9 (4) EXEMPTION.—Nonproject sector assistance funds
10 may be exempt from the requirements of subsection (b)(1)
11 only through the notification procedures of the Commit-
12 tees on Appropriations.

13 COMPENSATION FOR UNITED STATES EXECUTIVE
14 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

15 SEC. 530. (a) No funds appropriated by this Act may
16 be made as payment to any international financial institu-
17 tion while the United States Executive Director to such
18 institution is compensated by the institution at a rate
19 which, together with whatever compensation such Director
20 receives from the United States, is in excess of the rate
21 provided for an individual occupying a position at level IV
22 of the Executive Schedule under section 5315 of title 5,
23 United States Code, or while any alternate United States
24 Director to such institution is compensated by the institu-
25 tion at a rate in excess of the rate provided for an indi-
26 vidual occupying a position at level V of the Executive

1 Schedule under section 5316 of title 5, United States
2 Code.

3 (b) For purposes of this section, “international finan-
4 cial institutions” are: the International Bank for Recon-
5 struction and Development, the Inter-American Develop-
6 ment Bank, the Asian Development Bank, the Asian De-
7 velopment Fund, the African Development Bank, the Afri-
8 can Development Fund, the International Monetary Fund,
9 the North American Development Bank, and the Euro-
10 pean Bank for Reconstruction and Development.

11 COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST
12 IRAQ

13 SEC. 531. None of the funds appropriated or other-
14 wise made available pursuant to this Act to carry out the
15 Foreign Assistance Act of 1961 (including title IV of
16 chapter 2 of part I, relating to the Overseas Private In-
17 vestment Corporation) or the Arms Export Control Act
18 may be used to provide assistance to any country that is
19 not in compliance with the United Nations Security Coun-
20 cil sanctions against Iraq unless the President determines
21 and so certifies to the Congress that—

22 (1) such assistance is in the national interest of
23 the United States;

24 (2) such assistance will directly benefit the
25 needy people in that country; or

1 (3) the assistance to be provided will be human-
2 itarian assistance for foreign nationals who have fled
3 Iraq and Kuwait.

4 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
5 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

6 SEC. 532. Unless expressly provided to the contrary,
7 provisions of this or any other Act, including provisions
8 contained in prior Acts authorizing or making appropria-
9 tions for foreign operations, export financing, and related
10 programs, shall not be construed to prohibit activities au-
11 thorized by or conducted under the Peace Corps Act, the
12 Inter-American Foundation Act or the African Develop-
13 ment Foundation Act. The agency shall promptly report
14 to the Committees on Appropriations whenever it is con-
15 ducting activities or is proposing to conduct activities in
16 a country for which assistance is prohibited.

17 IMPACT ON JOBS IN THE UNITED STATES

18 SEC. 533. None of the funds appropriated by this Act
19 may be obligated or expended to provide—

20 (1) any financial incentive to a business enter-
21 prise currently located in the United States for the
22 purpose of inducing such an enterprise to relocate
23 outside the United States if such incentive or in-
24 ducement is likely to reduce the number of employ-
25 ees of such business enterprise in the United States

1 because United States production is being replaced
2 by such enterprise outside the United States; or

3 (2) assistance for any project or activity that
4 contributes to the violation of internationally recog-
5 nized workers rights, as defined in section 507(4)(E)
6 of the Trade Act of 1974, of workers in the recipient
7 country, including any designated zone or area in
8 that country: *Provided*, That in recognition that the
9 application of this paragraph should be commensu-
10 rate with the level of development of the recipient
11 country and sector, the provisions of this subsection
12 shall not preclude assistance for the informal sector
13 in such country, micro and small-scale enterprise,
14 and smallholder agriculture.

15 SPECIAL AUTHORITIES

16 SEC. 534. (a) AFGHANISTAN, LEBANON, MONTE-
17 NEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND
18 DISPLACED BURMESE.—Funds appropriated by this Act
19 that are made available for assistance for Afghanistan,
20 and funds appropriated in titles I and II of this Act that
21 are made available for Lebanon, Montenegro, and for vic-
22 tims of war, displaced children, and displaced Burmese,
23 may be made available notwithstanding any other provi-
24 sion of law: *Provided*, That funds appropriated by this Act
25 to carry out the provisions of section 541 of the Foreign

1 Assistance Act of 1961 may be made available notwith-
2 standing section 557 of this Act.

3 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-
4 SERVATION ACTIVITIES.—Funds appropriated by this Act
5 to carry out the provisions of sections 103 through 106,
6 and chapter 4 of part II, of the Foreign Assistance Act
7 of 1961 may be used, notwithstanding any other provision
8 of law, for the purpose of supporting tropical forestry and
9 biodiversity conservation activities and energy programs
10 aimed at reducing greenhouse gas emissions: *Provided*,
11 That such assistance shall be subject to sections 116,
12 502B, and 620A of the Foreign Assistance Act of 1961.

13 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
14 propriated by this Act to carry out chapter 1 of part I,
15 chapter 4 of part II, and section 667 of the Foreign As-
16 sistance Act of 1961, and title II of the Agricultural Trade
17 Development and Assistance Act of 1954, may be used
18 by the United States Agency for International Develop-
19 ment to employ up to 15 personal services contractors in
20 the United States, notwithstanding any other provision of
21 law, for the purpose of providing direct, interim support
22 for new or expanded overseas programs and activities
23 managed by the agency until permanent direct hire per-
24 sonnel are hired and trained: *Provided*, That not more
25 than 7 of such contractors shall be assigned to any bureau

1 or office: *Provided further*, That such funds appropriated
2 to carry out the Foreign Assistance Act of 1961 may be
3 made available for personal services contractors assigned
4 only to the Office of Procurement; the Bureau for Africa;
5 and the Bureau for Asia and the Near East: *Provided fur-*
6 *ther*, That such funds appropriated to carry out title II
7 of the Agricultural Trade Development and Assistance Act
8 of 1954, may be made available only for personal services
9 contractors assigned to the Office of Food for Peace.

10 (d)(1) WAIVER.—The President may waive the provi-
11 sions of section 1003 of Public Law 100–204 if the Presi-
12 dent determines and certifies in writing to the Speaker
13 of the House of Representatives and the President pro
14 tempore of the Senate that it is important to the national
15 security interests of the United States.

16 (2) PERIOD OF APPLICATION OF WAIVER.—Any
17 waiver pursuant to paragraph (1) shall be effective for no
18 more than a period of 6 months at a time and shall not
19 apply beyond 12 months after the enactment of this Act.

20 (e) CONTINGENCIES.—During fiscal year 2003, the
21 President may use up to \$45,000,000 under the authority
22 of section 451 of the Foreign Assistance Act, notwith-
23 standing the funding ceiling in section 451(a).

24 (f) SMALL BUSINESS.—In entering into multiple
25 award indefinite-quantity contracts with funds appro-

1 priated by this Act, the United States Agency for Inter-
2 national Development may provide an exception to the fair
3 opportunity process for placing task orders under such
4 contracts when the order is placed with any category of
5 small or small disadvantaged business.

6 (g) SHIPMENT OF HUMANITARIAN ASSISTANCE.—
7 During fiscal year 2003, of the amounts made available
8 by the United States Agency for International Develop-
9 ment to carry out the provisions of section 123(b) of the
10 Foreign Assistance Act of 1961, funds may be made avail-
11 able to nongovernmental organizations for administrative
12 costs necessary to implement a program to obtain avail-
13 able donated space on commercial ships for the shipment
14 of humanitarian assistance overseas.

15 POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT
16 OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL
17 SEC. 535. It is the sense of the Congress that—

18 (1) the Arab League countries should imme-
19 diately and publicly renounce the primary boycott of
20 Israel and the secondary and tertiary boycott of
21 American firms that have commercial ties with
22 Israel and should normalize their relations with
23 Israel;

24 (2) the decision by the Arab League in 1997 to
25 reinstate the boycott against Israel was deeply trou-
26 bling and disappointing;

1 (3) the fact that only three Arab countries
2 maintain full diplomatic relations with Israel is also
3 of deep concern;

4 (4) the Arab League should immediately re-
5 scind its decision on the boycott and its members
6 should develop normal relations with their neighbor
7 Israel; and

8 (5) the President should—

9 (A) take more concrete steps to encourage
10 vigorously Arab League countries to renounce
11 publicly the primary boycotts of Israel and the
12 secondary and tertiary boycotts of American
13 firms that have commercial relations with Israel
14 and to normalize their relations with Israel;

15 (B) take into consideration the participa-
16 tion of any recipient country in the primary
17 boycott of Israel and the secondary and tertiary
18 boycotts of American firms that have commer-
19 cial relations with Israel when determining
20 whether to sell weapons to said country;

21 (C) report to Congress annually on the
22 specific steps being taken by the United States
23 and the progress achieved to bring about a pub-
24 lic renunciation of the Arab primary boycott of
25 Israel and the secondary and tertiary boycotts

1 of American firms that have commercial rela-
2 tions with Israel and to expand the process of
3 normalizing ties between Arab League countries
4 and Israel; and

5 (D) encourage the allies and trading part-
6 ners of the United States to enact laws prohib-
7 iting businesses from complying with the boy-
8 cott and penalizing businesses that do comply.

9 ADMINISTRATION OF JUSTICE ACTIVITIES

10 SEC. 536. Of the funds appropriated or otherwise
11 made available by this Act for “Economic Support Fund”,
12 assistance may be provided to strengthen the administra-
13 tion of justice in countries in Latin America and the Car-
14 ibbean and in other regions consistent with the provisions
15 of section 534(b) of the Foreign Assistance Act of 1961,
16 except that programs to enhance protection of participants
17 in judicial cases may be conducted notwithstanding section
18 660 of that Act. Funds made available pursuant to this
19 section may be made available notwithstanding section
20 534(c) and the second and third sentences of section
21 534(e) of the Foreign Assistance Act of 1961.

22 ELIGIBILITY FOR ASSISTANCE

23 SEC. 537. (a) ASSISTANCE THROUGH NONGOVERN-
24 MENTAL ORGANIZATIONS.—Restrictions contained in this
25 or any other Act with respect to assistance for a country
26 shall not be construed to restrict assistance in support of

1 programs of nongovernmental organizations from funds
2 appropriated by this Act to carry out the provisions of
3 chapters 1, 10, 11, and 12 of part I and chapter 4 of
4 part II of the Foreign Assistance Act of 1961, and from
5 funds appropriated under the heading “Assistance for
6 Eastern Europe and the Baltic States”: *Provided*, That
7 the President shall take into consideration, in any case
8 in which a restriction on assistance would be applicable
9 but for this subsection, whether assistance in support of
10 programs of nongovernmental organizations is in the na-
11 tional interest of the United States: *Provided further*, That
12 before using the authority of this subsection to furnish as-
13 sistance in support of programs of nongovernmental orga-
14 nizations, the President shall notify the Committees on
15 Appropriations under the regular notification procedures
16 of those committees, including a description of the pro-
17 gram to be assisted, the assistance to be provided, and
18 the reasons for furnishing such assistance: *Provided fur-*
19 *ther*, That nothing in this subsection shall be construed
20 to alter any existing statutory prohibitions against abor-
21 tion or involuntary sterilizations contained in this or any
22 other Act.

23 (b) PUBLIC LAW 480.—During fiscal year 2003, re-
24 strictions contained in this or any other Act with respect
25 to assistance for a country shall not be construed to re-

1 strict assistance under the Agricultural Trade Develop-
 2 ment and Assistance Act of 1954: *Provided*, That none
 3 of the funds appropriated to carry out title I of such Act
 4 and made available pursuant to this subsection may be
 5 obligated or expended except as provided through the reg-
 6 ular notification procedures of the Committees on Appro-
 7 priations.

8 (c) EXCEPTION.—This section shall not apply—

9 (1) with respect to section 620A of the Foreign
 10 Assistance Act of 1961 or any comparable provision
 11 of law prohibiting assistance to countries that sup-
 12 port international terrorism; or

13 (2) with respect to section 116 of the Foreign
 14 Assistance Act of 1961 or any comparable provision
 15 of law prohibiting assistance to the government of a
 16 country that violates internationally recognized
 17 human rights.

18 EARMARKS

19 SEC. 538. (a) Funds appropriated by this Act which
 20 are earmarked may be reprogrammed for other programs
 21 within the same account notwithstanding the earmark if
 22 compliance with the earmark is made not possible by oper-
 23 ation of any provision of this or any other Act: *Provided*,
 24 That any such reprogramming shall be subject to the reg-
 25 ular notification procedures of the Committees on Appro-
 26 priations: *Provided further*, That assistance that is repro-

1 grammed pursuant to this subsection shall be made avail-
2 able under the same terms and conditions as originally
3 provided.

4 (b) In addition to the authority contained in sub-
5 section (a), the original period of availability of funds ap-
6 propriated by this Act and administered by the United
7 States Agency for International Development that are ear-
8 marked for particular programs or activities by this or any
9 other Act shall be extended for an additional fiscal year
10 if the Administrator of such agency determines and re-
11 ports promptly to the Committees on Appropriations that
12 the termination of assistance to a country or a significant
13 change in circumstances makes it unlikely that such ear-
14 marked funds can be obligated during the original period
15 of availability: *Provided*, That such earmarked funds that
16 are continued available for an additional fiscal year shall
17 be obligated only for the purpose of such earmark.

18 CEILINGS AND EARMARKS

19 SEC. 539. (a) Ceilings and earmarks contained in this
20 Act shall not be applicable to funds or authorities appro-
21 priated or otherwise made available by any subsequent Act
22 unless such Act specifically so directs.

23 (b) Earmarks or minimum funding requirements con-
24 tained in any other Act shall not be applicable to funds
25 appropriated by this Act.

1 PROHIBITION ON PUBLICITY OR PROPAGANDA

2 SEC. 540. No part of any appropriation contained in
3 this Act shall be used for publicity or propaganda purposes
4 within the United States not authorized before the date
5 of the enactment of this Act by the Congress: *Provided*,
6 That not to exceed \$750,000 may be made available to
7 carry out the provisions of section 316 of Public Law 96–
8 533.

9 PROHIBITION OF PAYMENTS TO UNITED NATIONS

10 MEMBERS

11 SEC. 541. None of the funds appropriated or made
12 available pursuant to this Act for carrying out the Foreign
13 Assistance Act of 1961, may be used to pay in whole or
14 in part any assessments, arrearages, or dues of any mem-
15 ber of the United Nations or, from funds appropriated by
16 this Act to carry out chapter 1 of part I of the Foreign
17 Assistance Act of 1961, the costs for participation of an-
18 other country's delegation at international conferences
19 held under the auspices of multilateral or international or-
20 ganizations.

21 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

22 SEC. 542. None of the funds appropriated or made
23 available pursuant to this Act shall be available to a non-
24 governmental organization which fails to provide upon
25 timely request any document, file, or record necessary to

1 the auditing requirements of the United States Agency for
2 International Development.

3 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
4 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
5 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
6 TERRORISM

7 SEC. 543. (a) None of the funds appropriated or oth-
8 erwise made available by this Act may be available to any
9 foreign government which provides lethal military equip-
10 ment to a country the government of which the Secretary
11 of State has determined is a terrorist government for pur-
12 poses of section 6(j) of the Export Administration Act.
13 The prohibition under this section with respect to a for-
14 eign government shall terminate 12 months after that gov-
15 ernment ceases to provide such military equipment. This
16 section applies with respect to lethal military equipment
17 provided under a contract entered into after October 1,
18 1997.

19 (b) Assistance restricted by subsection (a) or any
20 other similar provision of law, may be furnished if the
21 President determines that furnishing such assistance is
22 important to the national interests of the United States.

23 (c) Whenever the waiver authority of subsection (b)
24 is exercised, the President shall submit to the appropriate
25 congressional committees a report with respect to the fur-
26 nishing of such assistance. Any such report shall include

1 a detailed explanation of the assistance to be provided, in-
2 cluding the estimated dollar amount of such assistance,
3 and an explanation of how the assistance furthers United
4 States national interests.

5 WITHHOLDING OF ASSISTANCE FOR PARKING FINES
6 OWED BY FOREIGN COUNTRIES

7 SEC. 544. (a) IN GENERAL.—Of the funds made
8 available for a foreign country under part I of the Foreign
9 Assistance Act of 1961, an amount equivalent to 110 per-
10 cent of the total unpaid fully adjudicated parking fines
11 and penalties owed to the District of Columbia and New
12 York City, New York by such country as of September
13 30, 2002, that were incurred after the first day of the
14 fiscal year preceding the current fiscal year shall be with-
15 held from obligation for such country until the Secretary
16 of State certifies and reports in writing to the appropriate
17 congressional committees that such fines and penalties are
18 fully paid to the government of the District of Columbia
19 and New York City, New York.

20 (b) DEFINITION.—For purposes of this section, the
21 term “appropriate congressional committees” means the
22 Committee on Foreign Relations and the Committee on
23 Appropriations of the Senate and the Committee on Inter-
24 national Relations and the Committee on Appropriations
25 of the House of Representatives.

1 LIMITATION ON ASSISTANCE FOR THE PLO FOR THE
2 WEST BANK AND GAZA

3 SEC. 545. None of the funds appropriated by this Act
4 may be obligated for assistance for the Palestine Libera-
5 tion Organization for the West Bank and Gaza unless the
6 President has exercised the authority under section 604(a)
7 of the Middle East Peace Facilitation Act of 1995 (title
8 VI of Public Law 104–107) or any other legislation to sus-
9 pend or make inapplicable section 307 of the Foreign As-
10 sistance Act of 1961 and that suspension is still in effect:
11 *Provided*, That if the President fails to make the certifi-
12 cation under section 604(b)(2) of the Middle East Peace
13 Facilitation Act of 1995 or to suspend the prohibition
14 under other legislation, funds appropriated by this Act
15 may not be obligated for assistance for the Palestine Lib-
16 eration Organization for the West Bank and Gaza.

17 WAR CRIMES TRIBUNALS DRAWDOWN

18 SEC. 546. If the President determines that doing so
19 will contribute to a just resolution of charges regarding
20 genocide or other violations of international humanitarian
21 law, the President may direct a drawdown pursuant to sec-
22 tion 552(c) of the Foreign Assistance Act of 1961, as
23 amended, of up to \$30,000,000 of commodities and serv-
24 ices for the United Nations War Crimes Tribunal estab-
25 lished with regard to the former Yugoslavia by the United
26 Nations Security Council or such other tribunals or com-

1 missions as the Council may establish or authorize to deal
 2 with such violations, without regard to the ceiling limita-
 3 tion contained in paragraph (2) thereof: *Provided*, That
 4 the determination required under this section shall be in
 5 lieu of any determinations otherwise required under sec-
 6 tion 552(c): *Provided further*, That the drawdown made
 7 under this section for any tribunal shall not be construed
 8 as an endorsement or precedent for the establishment of
 9 any standing or permanent international criminal tribunal
 10 or court: *Provided further*, That funds made available for
 11 tribunals other than Yugoslavia or Rwanda shall be made
 12 available subject to the regular notification procedures of
 13 the Committees on Appropriations.

14 LANDMINES

15 SEC. 547. Notwithstanding any other provision of
 16 law, demining equipment available to the United States
 17 Agency for International Development and the Depart-
 18 ment of State and used in support of the clearance of
 19 landmines and unexploded ordnance for humanitarian
 20 purposes may be disposed of on a grant basis in foreign
 21 countries, subject to such terms and conditions as the
 22 President may prescribe.

23 RESTRICTIONS CONCERNING THE PALESTINIAN

24 AUTHORITY

25 SEC. 548. None of the funds appropriated by this Act
 26 may be obligated or expended to create in any part of Je-

1 Jerusalem a new office of any department or agency of the
 2 United States Government for the purpose of conducting
 3 official United States Government business with the Pal-
 4 estinian Authority over Gaza and Jericho or any successor
 5 Palestinian governing entity provided for in the Israel-
 6 PLO Declaration of Principles: *Provided*, That this re-
 7 striction shall not apply to the acquisition of additional
 8 space for the existing Consulate General in Jerusalem:
 9 *Provided further*, That meetings between officers and em-
 10 ployees of the United States and officials of the Pales-
 11 tinian Authority, or any successor Palestinian governing
 12 entity provided for in the Israel-PLO Declaration of Prin-
 13 ciples, for the purpose of conducting official United States
 14 Government business with such authority should continue
 15 to take place in locations other than Jerusalem. As has
 16 been true in the past, officers and employees of the United
 17 States Government may continue to meet in Jerusalem on
 18 other subjects with Palestinians (including those who now
 19 occupy positions in the Palestinian Authority), have social
 20 contacts, and have incidental discussions.

21 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

22 SEC. 549. None of the funds appropriated or other-
 23 wise made available by this Act under the heading “Inter-
 24 national Military Education and Training” or “Foreign
 25 Military Financing Program” for Informational Program
 26 activities or under the headings “Child Survival and

1 Health Programs Fund”, “Development Assistance”, and
2 “Economic Support Fund” may be obligated or expended
3 to pay for—

4 (1) alcoholic beverages; or

5 (2) entertainment expenses for activities that
6 are substantially of a recreational character, includ-
7 ing entrance fees at sporting events and amusement
8 parks.

9 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO

10 UNITED NATIONS AGENCIES

11 SEC. 550. (a) PROHIBITION ON VOLUNTARY CON-
12 TRIBUTIONS FOR THE UNITED NATIONS.—None of the
13 funds appropriated by this Act may be made available to
14 pay any voluntary contribution of the United States to the
15 United Nations (including the United Nations Develop-
16 ment Program) if the United Nations implements or im-
17 poses any taxation on any United States persons.

18 (b) CERTIFICATION REQUIRED FOR DISBURSEMENT
19 OF FUNDS.—None of the funds appropriated by this Act
20 may be made available to pay any voluntary contribution
21 of the United States to the United Nations (including the
22 United Nations Development Program) unless the Presi-
23 dent certifies to the Congress 15 days in advance of such
24 payment that the United Nations is not engaged in any
25 effort to implement or impose any taxation on United

1 States persons in order to raise revenue for the United
2 Nations or any of its specialized agencies.

3 (c) DEFINITIONS.—As used in this section the term
4 “United States person” refers to—

5 (1) a natural person who is a citizen or national
6 of the United States; or

7 (2) a corporation, partnership, or other legal
8 entity organized under the United States or any
9 State, territory, possession, or district of the United
10 States.

11 CARIBBEAN BASIN

12 SEC. 551. (a) The Government of Haiti shall be eligi-
13 ble to purchase defense articles and services under the
14 Arms Export Control Act (22 U.S.C. 2751 et seq.), for
15 the Coast Guard: *Provided*, That the authority provided
16 by this subsection shall be subject to the regular notifica-
17 tion procedures of the Committees on Appropriations.

18 (b) Of the funds appropriated by title II of this Act
19 and of the funds appropriated to carry out food assistance
20 programs managed by the United States Agency for Inter-
21 national Development, a total of not less than
22 \$52,500,000 should be allocated for assistance for Haiti
23 in fiscal year 2003.

24 (c) Of the funds appropriated by title II of this Act,
25 a total of \$37,680,000 should be allocated for assistance
26 for Nicaragua and \$40,130,000 should be allocated for as-

AUTHORITY

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

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1 of a foreign country if the Secretary of State has credible
2 evidence that such unit has committed gross violations of
3 human rights, unless the Secretary determines and reports
4 to the Committees on Appropriations that the government
5 of such country is taking effective measures to bring the
6 responsible members of the security forces unit to justice:
7 *Provided*, That nothing in this section shall be construed
8 to withhold funds made available by this Act from any
9 unit of the security forces of a foreign country not credibly
10 alleged to be involved in gross violations of human rights:
11 *Provided further*, That in the event that funds are withheld
12 from any unit pursuant to this section, the Secretary of
13 State shall promptly inform the foreign government of the
14 basis for such action and shall, to the maximum extent
15 practicable, assist the foreign government in taking effective
16 measures to bring the responsible members of the security
17 forces to justice.

18 DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS
19 IN THE RUSSIAN FEDERATION

20 SEC. 554. None of the funds appropriated under this
21 Act may be made available for the Government of the Russian
22 Federation, after 180 days from the date of the enactment
23 of this Act, unless the President determines and
24 certifies in writing to the Committees on Appropriations
25 and the Committee on Foreign Relations of the Senate
26 that the Government of the Russian Federation has imple-

1 mented no statute, executive order, regulation or similar
2 government action that would discriminate, or would have
3 as its principal effect discrimination, against religious
4 groups or religious communities in the Russian Federation
5 in violation of accepted international agreements on
6 human rights and religious freedoms to which the Russian
7 Federation is a party.

8 ASSISTANCE FOR THE MIDDLE EAST

9 SEC. 555. Of the funds appropriated in titles II and
10 III of this Act under the headings “Economic Support
11 Fund”, “Foreign Military Financing Program”, “Inter-
12 national Military Education and Training”, “Peace-
13 keeping Operations”, for refugees resettling in Israel
14 under the heading “Migration and Refugee Assistance”,
15 and for assistance for Israel to carry out provisions of
16 chapter 8 of part II of the Foreign Assistance Act of 1961
17 under the heading “Nonproliferation, Anti-Terrorism,
18 Demining and Related Programs”, not more than a total
19 of \$5,466,700,000 may be made available for Israel,
20 Egypt, Jordan, Lebanon, the West Bank and Gaza, the
21 Israel-Lebanon Monitoring Group, the Multinational
22 Force and Observers, the Middle East Regional Democ-
23 racy Fund, Middle East Regional Cooperation, and Middle
24 East Multilateral Working Groups: *Provided*, That any
25 funds that were appropriated under such headings in prior
26 fiscal years and that were at the time of the enactment

1 of this Act obligated or allocated for other recipients may
2 not during fiscal year 2003 be made available for activities
3 that, if funded under this Act, would be required to count
4 against this ceiling: *Provided further*, That funds may be
5 made available notwithstanding the requirements of this
6 section if the President determines and certifies to the
7 Committees on Appropriations that it is important to the
8 national security interest of the United States to do so
9 and any such additional funds shall only be provided
10 through the regular notification procedures of the Com-
11 mittees on Appropriations.

12 ENTERPRISE FUND RESTRICTIONS

13 SEC. 556. Prior to the distribution of any assets re-
14 sulting from any liquidation, dissolution, or winding up
15 of an Enterprise Fund, in whole or in part, the President
16 shall submit to the Committees on Appropriations, in ac-
17 cordance with the regular notification procedures of the
18 Committees on Appropriations, a plan for the distribution
19 of the assets of the Enterprise Fund.

20 CAMBODIA

21 SEC. 557. (a) The Secretary of the Treasury should
22 instruct the United States executive directors of the inter-
23 national financial institutions to use the voice and vote
24 of the United States to oppose loans to the Central Gov-
25 ernment of Cambodia, except loans to support basic
26 human needs.

1 (b) None of the funds appropriated by this Act may
2 be made available for assistance (except for assistance for
3 basic education and funds appropriated under the heading
4 “Child Survival and Health Programs Fund”) for the
5 Central Government of Cambodia.

6 FOREIGN MILITARY TRAINING REPORT

7 SEC. 558. (a) The Secretary of Defense and the Sec-
8 retary of State shall jointly provide to the Congress by
9 March 1, 2003, a report on all military training provided
10 to foreign military personnel (excluding sales, and exclud-
11 ing training provided to the military personnel of countries
12 belonging to the North Atlantic Treaty Organization)
13 under programs administered by the Department of De-
14 fense and the Department of State during fiscal years
15 2002 and 2003, including those proposed for fiscal year
16 2003. This report shall include, for each such military
17 training activity, the foreign policy justification and pur-
18 pose for the training activity, the cost of the training activ-
19 ity, the number of foreign students trained and their units
20 of operation, and the location of the training. In addition,
21 this report shall also include, with respect to United States
22 personnel, the operational benefits to United States forces
23 derived from each such training activity and the United
24 States military units involved in each such training activ-
25 ity. This report may include a classified annex if deemed
26 necessary and appropriate.

1 (b) For purposes of this section a report to Congress
2 shall be deemed to mean a report to the Appropriations
3 and Foreign Relations Committees of the Senate and the
4 Appropriations and International Relations Committees of
5 the House of Representatives.

6 KOREAN PENINSULA ENERGY DEVELOPMENT

7 ORGANIZATION

8 SEC. 559. (a) Of the funds made available under the
9 heading “Nonproliferation, Anti-terrorism, Demining and
10 Related Programs”, not to exceed \$50,000,000 may be
11 made available for the Korean Peninsula Energy Develop-
12 ment Organization (hereafter referred to in this section
13 as “KEDO”), notwithstanding any other provision of law,
14 only for the administrative expenses and heavy fuel oil
15 costs associated with the Agreed Framework.

16 (b) Such funds may be made available for KEDO
17 only if, 15 days prior to such obligation of funds, the
18 President certifies and so reports to Congress that—

19 (1) the parties to the Agreed Framework have
20 taken and continue to take demonstrable steps to
21 implement the Joint Declaration on
22 Denuclearization of the Korean Peninsula;

23 (2) North Korea is complying with all provi-
24 sions of the Agreed Framework; and

25 (3) the United States is continuing to make sig-
26 nificant progress on eliminating the North Korean

1 ballistic missile threat, including further missile tests
2 and its ballistic missile exports.

3 (c) The President may waive the certification require-
4 ments of subsections (b)(1) and (b)(3) if the President
5 determines that it is vital to the national security interests
6 of the United States and provides written policy justifica-
7 tions to the appropriate congressional committees. No
8 funds may be obligated for KEDO until 15 days after sub-
9 mission to Congress of such waiver.

10 (d) The Secretary of State shall, at the time of the
11 annual presentation for appropriations, submit a report
12 providing a full and detailed accounting of the fiscal year
13 2004 request for the United States contribution to KEDO,
14 the expected operating budget of KEDO, proposed annual
15 costs associated with heavy fuel oil purchases, including
16 unpaid debt, and the amount of funds pledged by other
17 donor nations and organizations to support KEDO activi-
18 ties on a per country basis, and other related activities.

19 PALESTINIAN STATEHOOD

20 SEC. 560. (a) LIMITATION ON ASSISTANCE.—None
21 of the funds appropriated by this Act may be provided
22 to support a Palestinian state unless the Secretary of
23 State determines and certifies to the appropriate congres-
24 sional committees that—

1 (1) a new leadership of a Palestinian governing
2 entity has been democratically elected through cred-
3 ible and competitive elections;

4 (2) the elected governing entity of a new Pales-
5 tinian state—

6 (A) has demonstrated a firm commitment
7 to peaceful co-existence with the State of Israel;

8 (B) is taking appropriate measures to
9 counter terrorism and terrorist financing in the
10 West Bank and Gaza, including the dismantling
11 of terrorist infrastructures;

12 (C) is establishing a new Palestinian secu-
13 rity entity that is fully cooperative with appro-
14 priate Israeli and other appropriate security or-
15 ganizations; and

16 (3) the Palestinian Authority (or the governing
17 body of a new Palestinian state) is working with
18 other countries in the region to vigorously pursue ef-
19 forts to establish a just, lasting, and comprehensive
20 peace in the Middle East that will enable Israel and
21 an independent Palestinian state to exist within the
22 context of full and normal relationships, which
23 should include—

24 (A) termination of all claims or states of
25 belligerency;

1 (B) respect for and acknowledgement of
2 the sovereignty, territorial integrity, and polit-
3 ical independence of every state in the area
4 through measures including the establishment
5 of demilitarized zones;

6 (C) their right to live in peace within se-
7 cure and recognized boundaries free from
8 threats or acts of force;

9 (D) freedom of navigation through inter-
10 national waterways in the area; and

11 (E) a framework for achieving a just set-
12 tlement of the refugee problem.

13 (b) It is the sense of Congress that the newly elected
14 governing entity should enact a constitution assuring the
15 rule of law, an independent judiciary, and respect for
16 human rights for its citizens, and should enact other laws
17 and regulations assuring transparent and accountable gov-
18 ernance.

19 (c) WAIVER.—The President may waive subsection
20 (a) if he determines that it is vital to the national security
21 interests of the United States to do so.

22 (d) EXEMPTION.—The restriction in subsection (a)
23 shall not apply to assistance intended to help reform the
24 Palestinian Authority and affiliated institutions, or a
25 newly elected governing entity, in order to help meet the

1 requirements of subsection (a), consistent with the provi-
2 sions of section 552 of this Act (“Limitation on Assistance
3 to the Palestinian Authority”).

4 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN

5 BROADCASTING CORPORATION

6 SEC. 561. None of the funds appropriated or other-
7 wise made available by this Act may be used to provide
8 equipment, technical support, consulting services, or any
9 other form of assistance to the Palestinian Broadcasting
10 Corporation.

11 IRAQ

12 SEC. 562. Notwithstanding any other provision of
13 law, funds appropriated under the heading “Economic
14 Support Fund” may be made available for programs bene-
15 fitting the Iraqi people and to support efforts to bring
16 about a political transition in Iraq.

17 WEST BANK AND GAZA PROGRAM

18 SEC. 563. (a) OVERSIGHT.—For fiscal year 2003, 30
19 days prior to the initial obligation of funds for the bilateral
20 West Bank and Gaza Program, the Secretary of State
21 shall certify to the appropriate committees of Congress
22 that procedures have been established to assure the Comp-
23 troller General of the United States will have access to
24 appropriate United States financial information in order
25 to review the uses of United States assistance for the Pro-

1 gram funded under the heading “Economic Support
2 Fund” for the West Bank and Gaza.

3 (b) VETTING.—Prior to the obligation of funds ap-
4 propriated by this Act under the heading “Economic Sup-
5 port Fund” for assistance for the West Bank and Gaza,
6 the Secretary of State shall take all appropriate steps to
7 ensure that such assistance is not provided to or through
8 any individual or entity that the Secretary knows or has
9 reason to believe advocates, plans, sponsors, engages in,
10 or has engaged in, terrorist activity. The Secretary of
11 State shall, as appropriate, establish procedures specifying
12 the steps to be taken in carrying out this subsection.

13 (c) AUDITS.—(1) The Administrator of the United
14 States Agency for International Development shall ensure
15 that Federal or non-Federal audits of all contractors and
16 grantees, and significant subcontractors and subgrantees,
17 under the West Bank and Gaza Program, are conducted
18 at least on an annual basis to ensure, among other things,
19 compliance with this section.

20 (2) Of the funds appropriated by this Act under the
21 heading “Economic Support Fund” that are made avail-
22 able for assistance for the West Bank and Gaza, up to
23 \$1,000,000 may be used by the Office of the Inspector
24 General of the United States Agency for International De-
25 velopment for audits, inspections, and other activities in

1 furtherance of the requirements of this subsection. Such
2 funds are in addition to funds otherwise available for such
3 purposes.

4 INDONESIA

5 SEC. 564. (a) Funds appropriated by this Act under
6 the heading “Foreign Military Financing Program” may
7 be made available for assistance for Indonesian military
8 personnel only if the President determines and submits a
9 report to the appropriate congressional committees that
10 the Government of Indonesia and the Indonesian Armed
11 Forces are—

12 (1) taking effective measures to bring to justice
13 members of the armed forces and militia groups
14 against whom there is credible evidence of human
15 rights violations in East Timor and Indonesia;

16 (2) taking effective measures to bring to justice
17 members of the armed forces against whom there is
18 credible evidence of aiding or abetting illegal militia
19 groups in East Timor and Indonesia;

20 (3) allowing displaced persons and refugees to
21 return home to East Timor, including providing safe
22 passage for refugees returning from West Timor and
23 demonstrating a commitment to preventing incur-
24 sions into East Timor by member of militia groups
25 in West Timor;

1 (4) demonstrating a commitment to account-
2 ability by cooperating with investigations and pros-
3 ecutions of members of the armed forces and militia
4 groups responsible for human rights violations in
5 East Timor and Indonesia;

6 (5) demonstrating a commitment to civilian
7 control of the armed forces by reporting to civilian
8 authorities audits of receipts and expenditures of the
9 armed forces;

10 (6) allowing United Nations and other inter-
11 national humanitarian organizations and representa-
12 tives of recognized human rights organizations ac-
13 cess to West Timor, Aceh, West Papua, and Maluku;
14 and

15 (7) releasing political detainees.

16 BRIEFINGS ON POTENTIAL PURCHASES OF DEFENSE
17 ARTICLES OR DEFENSE SERVICES BY TAIWAN

18 SEC. 565. (a) BRIEFINGS.—Not late than 90 days
19 after the date of enactment of this Act, and not later than
20 every 120 days thereafter during fiscal year 2003, the De-
21 partment of State, in consultation with the Department
22 of Defense, shall provide detailed briefings to the appro-
23 priate congressional committees (including the Commit-
24 tees on Appropriations) on any discussions conducted be-
25 tween any executive branch agency and the Government
26 of Taiwan during the preceding 120 days (or, in the case

1 of the initial briefing, since the date of enactment of this
2 Act) on any potential purchase of defense articles or de-
3 fense services by the Government of Taiwan.

4 (b) EXECUTIVE AGENCY DEFINED.—In this section,
5 the term “executive branch agency” has the meaning given
6 the term “agency” in section 551(1) of title 5, United
7 States Code.

8 RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS

9 DESTABILIZING SIERRA LEONE

10 SEC. 566. (a) None of the funds appropriated by this
11 Act may be made available for assistance for the govern-
12 ment of any country for which the Secretary of State de-
13 termines there is credible evidence that such government
14 has aided or abetted, within the previous 6 months, in the
15 illicit distribution, transportation, or sale of diamonds
16 mined in Sierra Leone.

17 (b) Whenever the prohibition on assistance required
18 under subsection (a) is exercised, the Secretary of State
19 shall notify the Committees on Appropriations in a timely
20 manner.

21 VOLUNTARY SEPARATION INCENTIVES

22 SEC. 567. Section 579(c)(2)(D) of the Foreign Oper-
23 ations, Export Financing, and Related Programs Appro-
24 priations Act, 2000, as enacted by section 1000(a)(2) of
25 the Consolidated Appropriations Act, 2000 (Public Law
26 106–113), as amended, is further amended by striking

1 “December 31, 2002” and inserting in lieu thereof “De-
2 cember 31, 2003”.

3 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

4 SEC. 568. (a) LIMITATIONS ON AMOUNT OF CON-
5 TRIBUTION.—Of the amounts made available under
6 “International Organizations and Programs”,
7 \$25,000,000 for fiscal year 2003 shall be available for the
8 United Nations Population Fund (hereafter in this section
9 referred to as the “UNFPA”) subject to subsection (c).

10 (b) PROHIBITION ON USE OF FUNDS IN CHINA.—
11 None of the funds made available under “International
12 Organizations and Programs” may be made available for
13 the UNFPA for a country program in the People’s Repub-
14 lic of China.

15 (c) CONDITIONS ON AVAILABILITY OF FUNDS.—
16 Amounts made available under “International Organiza-
17 tions and Programs” for fiscal year 2003 for the UNFPA
18 may not be made available to the UNFPA unless—

19 (1) the UNFPA maintains amounts made avail-
20 able to the UNFPA under this section in an account
21 separate from other accounts of the UNFPA;

22 (2) the UNFPA does not commingle amounts
23 made available to the UNFPA under this section
24 with other sums;

25 (3) the UNFPA does not fund abortions; and

1 (4) the UNFPA does not provide any funding
 2 for the State Planned-Birth Commission (*Jihua*
 3 *Shengyu Weiyuanhui*) or its regional affiliates in the
 4 People’s Republic of China.

5 (d) REPORT TO THE CONGRESS AND WITHHOLDING
 6 OF FUNDS.—

7 (1) Not later than February 15, 2003, the Sec-
 8 retary of State shall submit a report to the appro-
 9 priate congressional committees indicating the
 10 amount of funds that the UNFPA is budgeting for
 11 the year in which the report is submitted for a coun-
 12 try program in the People’s Republic of China.

13 (2) If a report under paragraph (1) indicates
 14 that the UNFPA plans to spend funds for a country
 15 program in the People’s Republic of China in the
 16 year covered by the report, then the amount of such
 17 funds that the UNFPA plans to spend in the Peo-
 18 ple’s Republic of China shall be deducted from the
 19 funds made available to the UNFPA after March 1
 20 for obligation for the remainder of the fiscal year in
 21 which the report is submitted.

22 PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

23 SEC. 569. (a) FUNDING CONDITIONS.—Of the funds
 24 made available under the heading “International Financial
 25 Institutions” in this Act, 10 percent of the United States
 26 portion or payment to such International Financial Insti-

1 tution shall be withheld by the Secretary of the Treasury,
2 until the Secretary certifies to the Committees on Appro-
3 priations that, to the extent pertinent to its lending pro-
4 grams, the institution is—

5 (1) implementing procedures for conducting an-
6 nual audits by qualified independent auditors for all
7 new investment lending;

8 (2) implementing procedures for annual inde-
9 pendent external audits of central bank financial
10 statements for countries making use of International
11 Monetary Fund resources under new arrangements
12 or agreements with the Fund;

13 (3) taking steps to establish an independent
14 fraud and corruption investigative organization or
15 office;

16 (4) implementing a process to assess a recipient
17 country's procurement and financial management
18 capabilities including an analysis of the risks of cor-
19 ruption prior to initiating new investment lending;
20 and

21 (5) taking steps to fund and implement pro-
22 grams and policies to improve transparency and
23 anti-corruption programs and procurement and fi-
24 nancial management controls in recipient countries.

1 (b) DEFINITIONS.—The term “International Finan-
2 cial Institutions” means the International Bank for Re-
3 construction and Development, the International Develop-
4 ment Association, the International Finance Corporation,
5 the Inter-American Development Bank, the Inter-Amer-
6 ican Investment Corporation, the Enterprise for the Amer-
7 icas Multilateral Investment Fund, the Asian Development
8 Bank, the Asian Development Fund, the African Develop-
9 ment Bank, the African Development Fund, the European
10 Bank for Reconstruction and Development, and the Inter-
11 national Monetary Fund.

12 COMMERCIAL LEASING OF DEFENSE ARTICLES

13 SEC. 570. Notwithstanding any other provision of
14 law, and subject to the regular notification procedures of
15 the Committees on Appropriations, the authority of sec-
16 tion 23(a) of the Arms Export Control Act may be used
17 to provide financing to Israel, Egypt and NATO and
18 major non-NATO allies for the procurement by leasing
19 (including leasing with an option to purchase) of defense
20 articles from United States commercial suppliers, not in-
21 cluding Major Defense Equipment (other than helicopters
22 and other types of aircraft having possible civilian applica-
23 tion), if the President determines that there are compel-
24 ling foreign policy or national security reasons for those
25 defense articles being provided by commercial lease rather
26 than by government-to-government sale under such Act.

WAR CRIMINALS

1
2 SEC. 571. (a)(1) None of the funds appropriated or
3 otherwise made available pursuant to this Act may be
4 made available for assistance, and the Secretary of the
5 Treasury shall instruct the United States executive direc-
6 tors to the international financial institutions to vote
7 against any new project involving the extension by such
8 institutions of any financial or technical assistance, to any
9 country, entity, or municipality whose competent authori-
10 ties have failed, as determined by the Secretary of State,
11 to take necessary and significant steps to implement its
12 international legal obligations to apprehend and transfer
13 to the International Criminal Tribunal for the former
14 Yugoslavia (the “Tribunal”) all persons in their territory
15 who have been publicly indicted by the Tribunal and to
16 otherwise cooperate with the Tribunal.

17 (2) The provisions of this subsection shall not apply
18 to humanitarian assistance or assistance for democratiza-
19 tion.

20 (b) The provisions of subsection (a) shall apply unless
21 the Secretary of State determines and reports to the ap-
22 propriate congressional committees that the competent au-
23 thorities of such country, entity, or municipality are—

24 (1) cooperating with the Tribunal, including ac-
25 cess for investigators, the provision of documents,

1 and the surrender and transfer of publicly indicted
2 persons or assistance in their apprehension; and

3 (2) are acting consistently with the Dayton Ac-
4 cords.

5 (c) Not less than 10 days before any vote in an inter-
6 national financial institution regarding the extension of
7 any new project involving financial or technical assistance
8 or grants to any country or entity described in subsection
9 (a), the Secretary of the Treasury, in consultation with
10 the Secretary of State, shall provide to the Committees
11 on Appropriations a written justification for the proposed
12 assistance, including an explanation of the United States
13 position regarding any such vote, as well as a description
14 of the location of the proposed assistance by municipality,
15 its purpose, and its intended beneficiaries.

16 (d) In carrying out this section, the Secretary of
17 State, the Administrator of the United States Agency for
18 International Development, and the Secretary of the
19 Treasury shall consult with representatives of human
20 rights organizations and all government agencies with rel-
21 evant information to help prevent publicly indicted war
22 criminals from benefiting from any financial or technical
23 assistance or grants provided to any country or entity de-
24 scribed in subsection (a).

1 (e) The Secretary of State may waive the application
 2 of subsection (a) with respect to projects within a country,
 3 entity, or municipality upon a written determination to the
 4 Committees on Appropriations that such assistance di-
 5 rectly supports the implementation of the Dayton Accords.

6 (f) DEFINITIONS.—As used in this section—

7 (1) COUNTRY.—The term “country” means
 8 Bosnia and Herzegovina, Croatia and Serbia.

9 (2) ENTITY.—The term “entity” refers to the
 10 Federation of Bosnia and Herzegovina, Kosovo,
 11 Montenegro and the Republika Srpska.

12 (3) MUNICIPALITY.—The term “municipality”
 13 means a city, town or other subdivision within a
 14 country or entity as defined herein.

15 (4) DAYTON ACCORDS.—The term “Dayton Ac-
 16 cords” means the General Framework Agreement
 17 for Peace in Bosnia and Herzegovina, together with
 18 annexes relating thereto, done at Dayton, November
 19 10 through 16, 1995.

20 USER FEES

21 SEC. 572. The Secretary of the Treasury shall in-
 22 struct the United States Executive Director at each inter-
 23 national financial institution (as defined in section
 24 1701(c)(2) of the International Financial Institutions Act)
 25 and the International Monetary Fund to oppose any loan
 26 of these institutions that would require user fees or service

1 charges on poor people for primary education or primary
2 healthcare, including prevention and treatment efforts for
3 HIV/AIDS, malaria, tuberculosis, and infant, child, and
4 maternal well-being, in connection with the institutions'
5 lending programs.

6 FUNDING FOR YUGOSLAVIA

7 SEC. 573. (a) Funds appropriated by this Act may
8 be made available for assistance for the Central Govern-
9 ment of the Federal Republic of Yugoslavia (or the central
10 government of a successor state) after March 31, 2003,
11 if the President has made the determination and certifi-
12 cation contained in subsection (c).

13 (b) After March 31, 2003, the Secretary of the Treas-
14 ury should instruct the United States executive directors
15 to international financial institutions to support loans and
16 assistance to the Central Government of the Federal Re-
17 public of Yugoslavia (or the central government of a suc-
18 cessor state) subject to the conditions in subsection (c):
19 *Provided*, That section 576 of the Foreign Operations, Ex-
20 port Financing, and Related Programs Appropriations
21 Act, 1997, shall not apply to the provision of loans and
22 assistance to the Federal Republic of Yugoslavia (or the
23 central government of a successor state) through inter-
24 national financial institutions.

25 (c) The determination and certification referred to in
26 subsection (a) is a determination by the President and a

1 certification to the Committees on Appropriations that the
2 Central Government of the Federal Republic of Yugoslavia
3 (or the central government of a successor state) is—

4 (1) cooperating with the International Criminal
5 Tribunal for Yugoslavia including access for inves-
6 tigators, the provision of documents, and the sur-
7 render and transfer of indictees or assistance in
8 their apprehension; and

9 (2) taking steps that are consistent with the
10 Dayton Accords to end financial, political, security
11 and other support which has served to maintain sep-
12 arate Republika Srpska institutions; and

13 (3) taking steps to implement policies which re-
14 flect a respect for minority rights and the rule of
15 law.

16 (d) Subsections (b) and (c) shall not apply to humani-
17 tarian assistance or assistance to promote democracy.

18 PROHIBITION ON TAXATION OF UNITED STATES

19 ASSISTANCE

20 SEC. 574. (a) PROHIBITION ON TAXATION.—None of
21 the funds appropriated by this Act may be made available
22 to provide assistance for a foreign country under a new
23 bilateral agreement governing the terms and conditions
24 under which such assistance is to be provided unless such
25 agreement includes a provision stating that assistance pro-
26 vided by the United States shall be exempt from taxation,

1 or reimbursed, by the foreign government, and the Sec-
2 retary of State shall expeditiously seek to negotiate
3 amendments to existing bilateral agreements, as nec-
4 essary, to conform with this requirement: *Provided*, That
5 the Secretary of State shall report to the Committees on
6 Appropriations not later than May 1, 2003, regarding the
7 extent to which existing bilateral agreements have been
8 amended to reflect this policy.

9 (b) REIMBURSEMENT OF FOREIGN TAXES.—Of the
10 funds appropriated by this Act that are allocated for as-
11 sistance for a foreign country and for the West Bank and
12 Gaza Program, an amount equivalent to 200 percent of
13 the total taxes assessed against United States assistance
14 programs by a foreign government or entity, either di-
15 rectly or through grantees, contractors and subcontractors,
16 as of the date of the enactment of this Act that were
17 assessed beginning on the first day of the United States
18 fiscal year preceding the current fiscal year, and for which
19 a proper claim for refund has been submitted to the for-
20 eign government, shall be withheld from obligation for
21 such country and for the West Bank and Gaza Program
22 to the extent that the Secretary of State certifies and re-
23 ports in writing to the Committees on Appropriations that
24 such taxes have not been reimbursed to the Government
25 of the United States.

1 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
2 minimis nature shall not be subject to the reimbursement
3 provisions of subsection (b), except that the Secretary of
4 State shall report to the Committees on Appropriations
5 not later than May 1, 2003, on the degree to which coun-
6 tries or entities impose such taxes, and the steps the
7 United States Government has taken to end this practice
8 in conformance with subsection (a): *Provided*, That the re-
9 port required under this subsection may be combined with
10 the report required under subsection (a).

11 (d) REFUND TO THE TREASURY AND REPROGRAM-
12 MING OF FUNDS.—Of the funds withheld from obligation
13 for each country or entity pursuant to subsection (b), one-
14 half may become available for reprogramming for other
15 purposes (pursuant to section 515 of this Act and con-
16 sistent with the purposes for which such funds were origi-
17 nally appropriated) and one-half shall be deposited in the
18 General Fund of the Treasury on, or within 5 days after,
19 September 1, 2003, pursuant to the certification required
20 under subsection (b).

21 (e) IMPLEMENTATION.—The Secretary of State shall
22 issue rules, regulations, or policy guidance, as appropriate,
23 to implement the prohibition against the taxation of assist-
24 ance contained in this section.

25 (f) DEFINITIONS.—As used in this section—

1 (1) the terms “taxes” and “taxation” refer to
2 excise taxes, value added taxes, and customs duties,
3 or any other similar form of taxation on United
4 States assistance, excluding income taxes or similar
5 taxes; and

6 (2) the term “bilateral agreement” refers to a
7 framework bilateral agreement between the govern-
8 ment of the United States and the government of
9 the country receiving assistance that describes the
10 privileges and immunities applicable to United
11 States foreign assistance for such country generally,
12 or an individual agreement between the Government
13 of the United States and such government that de-
14 scribes, among other things, the treatment for tax
15 purposes that will be accorded the United States as-
16 sistance provided under that agreement.

17 PROHIBITION ON USE OF MULTILATERAL ASSISTANCE TO
18 SUPPORT TERRORISM

19 SEC. 575. (a) REVIEW BY THE COMPTROLLER GEN-
20 ERAL.—Not later than May 1, 2003, the Comptroller Gen-
21 eral of the United States shall provide a report to the
22 Committees on Appropriations on the extent to which the
23 Department of State is complying with section 301(c) of
24 the Foreign Assistance Act of 1961, and on the implemen-
25 tation of procedures that have been established by the
26 United Nations Relief and Works Agency for Palestine

1 Refugees in the Near East (UNRWA) to meet the stand-
2 ards of the Department of State regarding compliance
3 with the requirements of section 301(c) that no contribu-
4 tions by the United States to UNRWA are made except
5 on the condition that UNRWA take all possible measures
6 to assure that no part of the United States contribution
7 shall be used to furnish assistance to any refugee who is
8 receiving military training as a member of the so-called
9 Palestine Liberation Army or any other guerilla type orga-
10 nization or who has engaged in any act of terrorism.

11 (b) ENFORCEMENT.—The Secretary of State shall re-
12 port to the Committees on Appropriations no later than
13 60 days following the enactment into law of this Act on
14 the procedures that have been established by the Depart-
15 ment of State to ensure that section 301(c) of the Foreign
16 Assistance Act of 1961 is enforced to the fullest extent
17 practicable.

18 COLOMBIA

19 SEC. 576. (a) DETERMINATION AND CERTIFICATION
20 REQUIRED.—None of the funds appropriated by this Act
21 may be made available for assistance for the Colombian
22 Armed Forces until the Secretary of State determines and
23 certifies to the appropriate congressional committees that:

24 (1) the Commander general of the Colombian
25 Armed Forces is suspending from the Armed Forces
26 those members, of whatever rank, who have been

1 credibly alleged to have committed gross violations
2 of human rights, including extra-judicial killings, or
3 to have aided or abetted paramilitary groups;

4 (2) the Colombian Armed Forces are cooper-
5 ating with civilian prosecutors and judicial authori-
6 ties (including providing requested information, such
7 as the identity of persons suspended from the Armed
8 Forces and the nature and cause of the suspension,
9 and access to witnesses and relevant military docu-
10 ments and other information), in prosecuting and
11 punishing in civilian courts those members of the
12 Colombian Armed Forces, of whatever rank, who
13 have been credibly alleged to have committed gross
14 violations of human rights, including extra-judicial
15 killings, or to have aided or abetted paramilitary
16 groups; and

17 (3) the Colombian Armed Forces are taking ef-
18 fective measures to sever links (including by denying
19 access to military intelligence, vehicles, and other
20 equipment or supplies, and ceasing other forms of
21 active or tacit cooperation) at the command, bat-
22 talion, and brigade levels, with paramilitary groups,
23 and to execute outstanding orders for capture for
24 members of such groups.

1 (b) CONSULTATIVE PROCESS.—At least 10 days prior
2 to making the determination and certification required by
3 this section, and every 120 days thereafter during fiscal
4 year 2003, the Secretary of State shall consult with inter-
5 nationally recognized human rights organizations regard-
6 ing progress in meeting the conditions contained in sub-
7 section (a).

8 (c) REPORT.—One hundred and twenty days after
9 the enactment of this Act, and every 120 days thereafter
10 during fiscal year 2003, the Secretary of State shall sub-
11 mit a report to the Committees on Appropriations describ-
12 ing actions taken by the Colombian Armed Forces to meet
13 the requirements set forth in subsection (a).

14 (d) DEFINITIONS.—In this section:

15 (1) AIDED OR ABETTED.—The term “aided or
16 abetted” means to provide any support to para-
17 military groups, including taking actions which
18 allow, facilitate, or otherwise foster the activities of
19 such groups.

20 (2) PARAMILITARY GROUPS.—The term “para-
21 military groups” means illegal self-defense groups
22 and illegal security cooperatives.

23 ILLEGAL ARMED GROUPS

24 SEC. 577. (a) DENIAL OF VISAS TO SUPPORTERS OF
25 COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-
26 section (b), the Secretary of State shall not issue a visa

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

20 BURMA

SEC. 578. (a) Of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$8,500,000 should be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located

1 outside Burma, for the purpose of fostering democracy in
2 Burma, supporting the provision of medical supplies and
3 other humanitarian assistance to Burmese located in
4 Burma or displaced Burmese along the borders, and for
5 other purposes: *Provided*, That of this amount not less
6 than \$200,000 should be made available to support news-
7 papers, publications, and other media activities promoting
8 democracy inside Burma: *Provided further*, That funds
9 made available under this heading may be made available
10 notwithstanding any other provision of law: *Provided fur-*
11 *ther*, That provision of such funds shall be made available
12 subject to the regular notification procedures of the Com-
13 mittees on Appropriations.

14 (b) Of the funds appropriated by this Act under the
15 heading “Child Survival and Health Programs Fund”, not
16 less than \$2,000,000 should be made available for the pre-
17 vention, treatment, and control of HIV/AIDS, tuber-
18 culosis, malaria, and other infectious diseases in Burma.

19 TROPICAL FOREST CONSERVATION

20 SEC. 579. Of the funds appropriated under the head-
21 ing “Development Assistance”, \$50,000,000 is available
22 to carry out tropical forest conservation activities author-
23 ized by the Foreign Assistance Act of 1961, of which
24 amount up to \$40,000,000 may be available for the cost,
25 as defined in section 502 of the Congressional Budget Act
26 of 1974, of modifying loans and loan guarantees, pursuant

1 to the provisions of part V of such Act, the Tropical For-
2 est Conservation Act of 1998.

3 AUTHORIZATIONS

4 SEC. 580. The Secretary of the Treasury may, to ful-
5 fill commitments of the United States, contribute on be-
6 half of the United States to the seventh replenishment of
7 the resources of the Asian Development Fund, a special
8 fund of the Asian Development Bank; to the thirteenth
9 replenishment of the resources of the International Devel-
10 opment Association; and to the ninth replenishment of the
11 resources of the African Development Fund. The following
12 amounts are authorized to be appropriated without fiscal
13 year limitation for payment by the Secretary of the Treas-
14 ury: \$412,000,000 for the Asian Development Fund,
15 \$2,850,000,000 for the International Development Asso-
16 ciation, and \$354,000,000 for the African Development
17 Fund.

18 CUBA

19 SEC. 581. None of the funds appropriated by this Act
20 under the heading “International Narcotics Control and
21 Law Enforcement” may be made available for assistance
22 to the Government of Cuba.

23 TRADE CAPACITY BUILDING

24 SEC. 582. Of the funds appropriated by this Act,
25 under the headings “Trade and Development Agency”,
26 “Development Assistance”, “Transition Initiatives”,

1 “Economic Support Fund”, “International Affairs Tech-
2 nical Assistance”, and “International Organizations and
3 Programs”, not less than \$452,000,000 should be made
4 available for trade capacity building assistance.

5 AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL
6 SALVADOR AND GUATEMALA

7 SEC. 583. (a) To the fullest extent possible informa-
8 tion relevant to the December 2, 1980, murders of four
9 American churchwomen in El Salvador, and the May 5,
10 2001, murder of Sister Barbara Ann Ford and the mur-
11 ders of six other American citizens in Guatemala since De-
12 cember 1999, should be investigated and made public.

13 (b) The Department of State is urged to pursue all
14 reasonable avenues in assuring the collection and public
15 release of information pertaining to the murders of the
16 six American citizens in Guatemala.

17 (c) The President shall order all Federal agencies and
18 departments, including the Federal Bureau of Investiga-
19 tion, that possess relevant information, to expeditiously
20 declassify and release to the victims’ families such infor-
21 mation, consistent with existing standards and procedures
22 on classification.

23 (d) In making determinations concerning declassifica-
24 tion and release of relevant information, all Federal agen-
25 cies and departments should use the discretion contained
26 within such existing standards and procedures on classi-

1 fication in support of releasing, rather than withholding,
2 such information.

3 (e) All reasonable efforts should be taken by the
4 American Embassy in Guatemala to work with relevant
5 agencies of the Guatemalan Government to protect the
6 safety of American citizens in Guatemala, and to assist
7 in the investigations of violations of human rights.

8 This Act may be cited as the “Foreign Operations,
9 Export Financing, and Related Programs Appropriations
10 Act, 2003”.

Union Calendar No. 406

107TH CONGRESS
2^D SESSION

H. R. 5410

[Report No. 107-663]

A BILL

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

SEPTEMBER 19, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed